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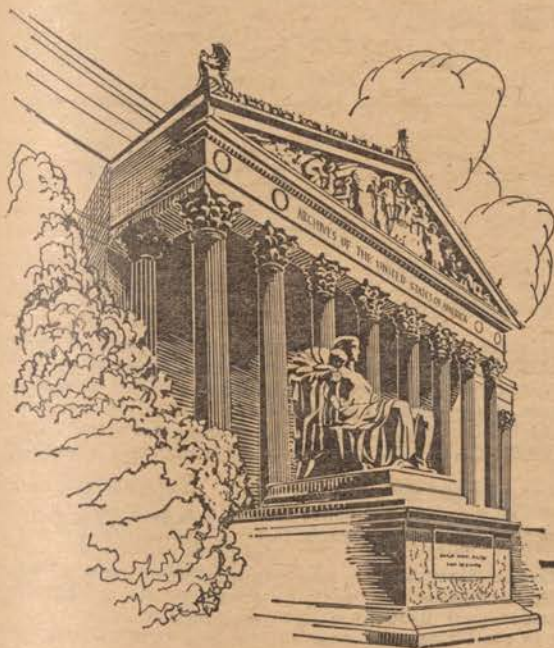
PART I

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Atomic Energy Commission
Business and Defense Services
Administration
Civil Aeronautics Board
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Housing Administration
Federal Power Commission
Federal Reserve System
Federal Trade Commission
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Railroad Retirement Board
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Wage and Hour Division

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Now Available

LIST OF CFR SECTIONS AFFECTED

1949-1963

This volume contains a compilation of the "List of Sections Affected" for all titles of the Code of Federal Regulations for the years 1949 through 1963. All sections of the CFR which have been expressly affected by documents published in the daily Federal Register are enumerated.

Reference to this list will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

License Fee

On September 24, 1968, a notice of proposed rule making was published in the FEDERAL REGISTER (33 F.R. 14377) regarding a proposed revision of regulations (other than rules of practice) (7 CFR 46.1-46.44), effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

No comments were received concerning the proposed revision of the regulations. Therefore, pursuant to the authority contained in section 15, 46 Stat. 537, as amended; 7 U.S.C. 499a, the regulations, other than rules of practice (7 CFR Part 46) under the Perishable Agricultural Commodities Act, 1930, are hereby amended as follows:

Amend § 46.6 to read as follows:

§ 46.6 License fee.

The annual license fee is fifty dollars (\$50). The Director may require the fee to be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Consumer and Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

This amendment shall become effective January 1, 1969.

Done at Washington, D.C., this 8th day of November 1968.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 68-13754; Filed, Nov. 14, 1968; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IMPERIAL COUNTY, CALIFORNIA; AND THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF WHITE WATER, CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

On October 26, 1968, notice of proposed rule making was published in the

FEDERAL REGISTER (33 F.R. 15873) regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended assessment funds, for the fiscal period August 1, 1968, through July 31, 1969, pursuant to the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, Calif.; and in that part of Riverside County, Calif., situated south and east of White Water, Calif. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing agreement and order), it is hereby found and determined that:

§ 909.207 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and necessary to be incurred by the Administrative Committee during the period August 1, 1968, through July 31, 1969, will amount to \$142,500.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at \$0.03 per carton, or equivalent quantity of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of grapefruit grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period; and (3) such period began on August 1, 1968, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1968.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-13785; Filed, Nov. 14, 1968; 8:49 a.m.]

[Lemon Reg. 347]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.647 Lemon Regulation 347.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the past week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified to provide for the continued size regulation of lemons; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 29, 1968.

(b) *Order.* (1) During the period November 17, 1968, through November 15, 1969, no handler shall handle any lemons, grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at right angles to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure less than 1.82 inches in diameter.

(2) As used in this section, "handler," "handler," "District 1," "District 2," and "District 3" shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 8, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[F.R. Doc. 68-13753; Filed, Nov. 14, 1968;
8:46 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALI- FORNIA

Expenses of Raisin Administrative Committee and Rate of Assessment for 1968-69 Crop Year

Notice was published in the October 25, 1968, issue of the *FEDERAL REGISTER* (33 F.R. 15805) regarding proposed expenses of the Raisin Administrative Committee for the 1968-69 crop year and rate of assessment for that crop year, pursuant to §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons opportunity to submit written data, views, or arguments, with respect to the proposal. None were received during the prescribed time.

After consideration of all relevant material presented, including that in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning September 1, 1968, shall be as follows:

§ 989.319 Expenses of the Raisin Administrative Committee and rate of assessment for the 1968-69 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of \$136,000 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year begin-

ning September 1, 1968, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 85 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portions of other handlers' raisins pursuant to subparagraph (3) of this paragraph;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage, during the crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year and to all reserve tonnage raisins released or sold to handlers for use as free tonnage during the crop year; and (2) the current crop year began on September 1, 1968, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 12, 1968.

F. L. SOUTHERLAND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 68-13786; Filed, Nov. 14, 1968;
8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 244—GUIDES FOR THE GREET- ING CARD INDUSTRY RELATING TO DISCRIMINATORY PRACTICES

The Federal Trade Commission, having reason to believe that illegal discriminatory practices have prevailed in the sale and distribution of greeting cards, is issuing the Instant Guides in order to provide members of the Greeting Card Industry with its views as to the requirements of laws pertaining to such practices. The Commission's responsibility is

to obtain compliance with these laws. It has a duty to move against violators. However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the laws enforced by the Commission, the greater the likelihood that voluntary compliance with the laws will be obtained.

These Guides, relating to discriminatory pricing practices and discriminations in the furnishing of promotional allowances, services, or facilities (subsections (a), (d), and (e) of section 2 of the amended Clayton Act), do not purport to cover every situation which may arise. While they are an explanation with examples of what the law means, they are not a restatement of the law nor a substitute for sound legal advice.

Copies of the Guides including the full texts of section 2 of the amended Clayton Act and section 5(a)(1) of the Federal Trade Commission Act may be obtained upon request to the Commission. Section 5(a)(1) and subsection (f) of section 2 of the amended Clayton Act are the laws that may be violated by a retailer or other purchaser that induces violation of subsection (a), (d), or (e) of section 2 of the amended Clayton Act.

Sec.

244.0 Definitions.

244.1 Price discriminations in general.

244.2 Promotional assistance.

AUTHORITY: The provisions of this Part 244 issued under secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46; 49 Stat. 1526; 15 U.S.C. 13, as amended.

§ 244.0 Definitions.

For purposes of this part the following definitions will apply:

(a) "Greeting card" means any commercial form of card, sheet, or folder which conveys a greeting or similar type of message by means of printed reading matter or pictorial matter. The term includes "chromos" which contain pictures but no words, and also, cards which contain words but no pictures.

(b) "Publisher" means any person, firm, partnership, corporation, or any other organization which has greeting cards printed or packaged, whether in its own plant or other plant, for sale exclusively by it. It does not include the printer or packager unless he acts for his own account.

(c) "Distributor" means any person, firm, partnership, corporation, or any other organization that purchases greeting cards for resale to parties other than the ultimate consumer. This includes wholesalers, jobbers, and all other intermediaries other than retailers.

(d) "Supplier" means any greeting card publisher or distributor.

(e) "Retailer" means any seller of greeting cards to the ultimate consumer, such as card shops, drug stores, discount houses, department stores, etc.

(f) "Competing customers" means, for purposes of § 244.2 entitled "Promotional Assistance", all businesses that compete in the resale of the supplier's greeting cards at the same functional level of distribution regardless of whether they purchase direct from the supplier or

through some intermediary (e.g., direct buying retailers and retailers that purchase through wholesalers and compete with the direct buying retailers).

(g) "Commerce"—this has not been precisely defined in the statute. In general, if there is any part of a business which is not wholly within one State (for example, sales or deliveries of products, their subsequent distribution or purchase, or delivery of supplies or raw materials), the business may be subject to section 2 of the amended Clayton Act and/or section 5 of the Federal Trade Commission Act. Sales in the District of Columbia are also covered by the Acts.

(h) "Promotional assistance" means any payment, allowance, service, or facility provided by a supplier whether direct to a customer or to a third party for the benefit of a customer in connection with the processing, handling, sale, or offering for sale the supplier's product, including but not limited to:

- (1) Any kind of advertising;
- (2) Window and counter displays;
- (3) Servicing of greeting card cabinets or racks;
- (4) Greeting card cabinets, or a discount thereon;
- (5) Rebates or allowances for soiled, discontinued or leftover cards;
- (6) Push money;
- (7) Contribution to a customer's anniversary or any other sale.

(i) "Proportionally equal terms" means that the promotional assistance is proportionalized on some basis which is fair to all competing customers. No single way to proportionally equalize is prescribed by law and any method that treats competing customers on proportionally equal terms may be used.

(j) "Cost justification" is an affirmative defense which may be undertaken by a supplier charged with price discrimination, by establishing that his price differential was based solely on differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which his products are sold or delivered. This defense depends upon savings in cost based on all the facts relevant to the transactions. It is a technical defense and some items, such as savings in brokerage, may not be included in determining savings in cost. (This defense is not available to a supplier charged with discrimination in the furnishing of promotional assistance.)

(k) "Meeting competition in good faith" is an affirmative defense which may be undertaken by a supplier charged with a violation of subsection 2 (a), (d), or (e) of the amended Clayton Act who can defend his actions by establishing that his lower price or granting of disproportionate promotional assistance was made in good faith to meet an equally low price or greater promotional assistance paid for or furnished by a competitor. This defense, however, is subject to important limitations. For in-

¹ This phrase incorporates any and all services and facilities covered by subsections (d) and (e) of section 2 of the amended Clayton Act, including those which technically may not be promotional in nature.

stance, it is insufficient to defend a charge of violating subsection (a), (d), or (e) of section 2 of the amended Clayton Act solely on the basis that competition in a particular industry is very keen, requiring that special prices or allowances be given to some customers if a seller is "to be competitive".

§ 244.1 Price discriminations in general.

(a) Publishers and distributors in the Greeting Card Industry should not, in the course of commerce, grant, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential which effects a discrimination in price between different purchasers of greeting cards of like grade and quality, where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with the publisher or distributor granting the discrimination or with the purchaser receiving its benefit or with customers of either of them.

NOTE: This section is not applicable to greeting cards purchased by the U.S. Government, State and local government entities or by schools, colleges, universities, public libraries, hospitals, churches, and charitable institutions not operating for profit, as supplies for their own use. Also, this section is not to be construed as preventing price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as, obsolescence of seasonal goods, distress sales under court process or sales in good faith in discontinuance of business in the goods concerned.

(b) The following are examples of practices involving price differentials to be avoided in commerce, when involving goods of like grade and quality, where the effect thereof may have the reasonable probability of adversely affecting competition and the seller is unable to establish either the "cost justification" or "meeting competition in good faith" defense:

- (1) A supplier sells to retailers at 50 percent off list but grants an extra 5 percent discount to chain store customers. It is immaterial that such 5 percent discount is given under the guise of or labeled as a promotional allowance.
- (2) A supplier sells direct to retailers at 50 percent off list and at the same time, sells to a retail buying group allowing the latter an additional 5 percent discount.
- (3) A supplier grants discounts of 2 percent on first \$1,000 of purchases, 4 percent on the next \$1,000 of purchases, and 6 percent on all purchases thereafter during a specified period of time.
- (4) A supplier grants a 5 percent rebate on the increased amount of greeting cards purchased over purchases in the preceding year.
- (5) A supplier pays freight on shipments to one or more customers but does not pay such freight for all customers, thereby effecting a difference in price between customers.
- (6) A supplier invoices goods to all customers at the same price but supplies additional quantities of such goods at no

extra charge to one or more, but not to all, such customers.

NOTE 1: As previously indicated, the foregoing are examples of practices involving price differentials to be avoided in commerce, when involving goods of like grade and quality, where the effect thereof may have the reasonable probability of adversely affecting competition and when not subject to the other exemptions, exclusions, or defenses set forth in this section.

NOTE 2: While this section concerns violations of the Clayton Act, as amended, pertaining to price discriminations granted by publishers and distributors it should not be overlooked that section 2(f) of such Act makes it unlawful for any person engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price prohibited by the Act.

[Guide 1]

§ 244.2 Promotional assistance.

(a) Publishers and distributors of greetings cards, providing promotional assistance in the course of commerce to competing customers, should do so under a plan which takes into account the following:

- (1) The promotional assistance must be made available on proportionally equal terms to all competing customers.
- (2) The competing customers must be made aware that the promotional assistance is available. It is not absolutely necessary that the offer be in writing for it may be made in any manner the supplier chooses including letter, telegram, conspicuous notice on invoice, by salesmen, etc. However, if the supplier wants to be able to show later that the offer was made to a certain customer, he is in a better position to do so if the offer was made in writing.
- (3) The supplier must not adopt a plan which is of use to only one customer or to only one favorite class of customers. The plan must be either realistically available to all competing customers in a practical business sense, or reasonable alternatives must be made available on proportionally equal terms.
- (4) The supplier must take reasonable precautions to see that the customers receiving promotional assistance are performing what is required of them under the plan, and that he is not paying any amount in excess of that actually used by the customers.

(b) The following are examples of practices involving discriminations in the furnishing of promotional assistance to be avoided in commerce when involving products of like grade and quality and when the seller is unable to establish a defense of "meeting competition in good faith."

- (1) A supplier grants allowances only for radio, television, and newspaper advertising when he has some competing customers, such as small card shops, which are unable to advertise in these media, even with the promotional assistance offered.

(In the above circumstances, and in order to satisfy legal requirements, the supplier must make usable and suitable alternatives available on proportionally equal terms to all other customers competing in the distribution of the supplier's greeting cards, such as, but not

limited to, advertising in the neighborhood paper or buying guide, in-store advertising, envelope stuffers, handbills, etc.)

(2) A supplier grants as a service to department stores or other customers a rebate of 50 percent on all Christmas cards purchased from the supplier and left over after Christmas, but does not make the offer to all of its customers competing with those to whom this service is accorded.²

(3) A supplier furnishes greeting card cabinets without cost or with a special discount to one or more customers, but does not make the same offer available on proportionally equal terms to all other competing customers, or in the event he does make such offer, he does not offer usable and suitable alternatives of equivalent measurable cost to those competing customers to whom cabinets are not usable and suitable.

(4) A supplier accords to one or more customers the privilege of returning for credit, refund, or exchange, any or all of the greeting cards purchased from the supplier but fails to offer the same privilege to all other customers competing in the distribution of the supplier's greeting cards.

(In the above circumstances, the supplier need not offer alternatives to returns for credit, refund, or exchange because they would appear to be usable by all customers in a practical business sense.)

(5) A supplier furnishes promotional assistance based on increased amounts of purchases, such as 2 percent cooperative advertising allowance on yearly purchases up to \$1,000, and 4 percent cooperative advertising allowance on purchases over \$1,000.

(Generally, using as a basis for promotional assistance a percentage of dollar volume or quantity of goods purchased during a specified period of time will insure that the promotional assistance is furnished on proportionally equal terms; *Provided, however, That* when promotional assistance is furnished on this basis, the percentage remains constant regardless of the amount of purchases.)

NOTE 1: As previously indicated, the foregoing are examples of practices involving discriminations in the furnishing of promotional assistance to be avoided in commerce when involving products of like grade and quality and when the seller is unable to establish a defense of "meeting competition in good faith."

NOTE 2: While this section concerns violations of the Clayton Act, as amended, pertaining to discriminations in the furnishing of promotional assistance by publishers or distributors, it should not be overlooked that a customer who induces, or receives promotional assistance that he knows, or should know, is not available on proportionally equal terms to his competitors engaged in the resale of the supplier's greeting cards, may be proceeded against by the Commission for violation of section 5 of the Federal Trade

² A rebate on leftover greeting cards may, under some circumstances, be cognizable under § 244.1, as a price discrimination.

Commission Act, which prohibits unfair methods of competition.

[Guide 2]

NOTE: Nothing contained in this part relieves any party subject to a Commission cease and desist order or other requirement from complying with the specific provisions of such order or requirement. The Guides in this part do not constitute a finding in and will not affect the disposition of any formal or informal matter now pending with the Commission.

Adopted: October 18, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-13724; Filed, Nov. 14, 1968;
8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MULTIFAMILY PARTICIPATION REVIEW COMMITTEE

In part 200 § 200.93 is amended to read as follows:

§ 200.93 Multifamily Participation Review Committee.

(a) *Members.* The Multifamily Participation Review Committee shall consist of the following officials or their deputies: General Counsel, Chairman; Assistant Commissioner for Field Operations; Assistant Commissioner for Technical Standards; Assistant Commissioner for Multifamily Housing; Director, Audit Division; and Director, Compliance Coordination.

(b) *Functions.* The functions of the Multifamily Participation Review Committee are to review information provided by FHA Form No. 2530, Previous Multifamily Participation Certificate, and to make recommendations to the Commissioner or his designee as to the acceptability of new multifamily proposals, taking into consideration all past FHA and HUD experience with the principals.

(Sec. 2, 48 Stat. 1246, as amended; Sec. 211, 52 Stat. 23, as amended; Sec. 607, 55 Stat. 61, as amended; Sec. 712, 62 Stat. 1281, as amended; Sec. 907, 65 Stat. 301, as amended; Sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., November 8, 1968.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 68-13739; Filed, Nov. 14, 1968;
8:45 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER J—FISCAL AND FINANCIAL AFFAIRS

PART 104—INDIVIDUAL INDIAN MONEY ACCOUNTS

Assets of Members of the Agua Caliente Band of Mission Indians

NOVEMBER 8, 1968.

This notice is published in the exercise of rule-making authority (hereinafter referred to) delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. Pursuant to authority vested in the Secretary of the Interior by section 2, Reorganization Plan of 1950, 64 Stat. 1262, sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and the Act of September 21, 1959 (73 Stat. 602; 25 U.S.C. 951-958), as amended by the Act of October 17, 1968 (Public Law 90-597), notice is hereby given that Part 104 of Chapter I of Title 25 of the Code of Federal Regulations is amended by the renumbering of §§ 104.12 to 104.13 and the addition of a new § 104.12, Assets of Members of the Agua Caliente Band of Mission Indians.

The Act approved October 17, 1968, Public Law 90-597, amended section 4 of the Act of September 21, 1959, supra, to authorize the Secretary of the Interior to manage the assets of certain members of the Agua Caliente Band of Mission Indians, and terminated guardian and fiduciary arrangements previously established, effective with the date of approval. Due to the volatile nature of the assets of the members of this band and the necessity for immediate action to conserve these assets, it has been determined under the exception contained in subsection (d) (3) of 5 U.S.C. 553 (Supp. III, 1965-1967) to dispense with notice of proposed rule-making and public procedure thereon, and to cause these regulations to have immediate effect. Accordingly, they will become effective on the date of their publication in the FEDERAL REGISTER.

As amended, § 104.12 is renumbered § 104.13, and a new § 104.12 is added to read as follows:

§ 104.12 Assets of Members of the Agua Caliente Band of Mission Indians.

(a) The provisions of this section apply to money or other property, except real property, held by the United States in trust for such Indians which may be used, advanced, expended, exchanged, deposited, disposed of, invested, and reinvested by the Director, Palm Springs Office, in accordance with the Act of October 17, 1968 (Public Law 90-597). The management or disposition of real property is covered in other parts of this chapter.

(b) Investments made by the Director, Palm Springs Office, under the Act of October 17, 1968, supra, shall be of such

a nature as will afford reasonable protection of the assets of the individual Indian involved. The Director is authorized to enter into contracts for the management of the assets (except real property) of individual Indians. The consent of the individual Indian concerned

must be obtained prior to the taking of actions affecting his assets, unless the Director determines, under the provisions of section (e) of the Act, that consent is not required.

(c) The Director may, consistent with normal business practices, establish appropriate fees for reports he requires

from guardians, conservators, or other fiduciaries appointed under State law for members of the Band.

T. W. TAYLOR,
Acting Commissioner.

[F.R. Doc 68-13743; Filed, Nov. 14, 1968; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 9228; Amdt. 623]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending § 97.11 of Subpart B to amend low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE NDB (ADF)

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition					Ceiling and visibility minimums		
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA VOR.....	AM LOM.....	Direct.....	5000	T-dn.....	300-1	300-1	200-1½
Claude Int.....	AM LOM.....	Direct.....	5000	C-dn.....	600-1	600-1	600-1½
Palo Duro Int.....	AM LOM.....	Direct.....	4900	S-dn-3.....	600-1	600-1	600-1
Tower Int.....	AM LOM.....	Direct.....	5300	A-dn.....	800-2	800-2	800-2
Sam Int.....	AM LOM.....	Direct.....	5300				
West Side Int.....	AM LOM.....	Direct.....	5000				

ASR.

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000' within 10 miles.

Minimum altitude over facility on final approach crs, 5000'.

Crs and distance, facility to airport, 035°-5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing LOM, climb to 5000' on crs 035° within 20 miles.

CAUTION: Towers 3994', 3.4 miles SW; 3886', 2.1 miles SW; 3855', 2.7 miles SSW of airport.

MSA within 25 miles of facility: 000°-360°-6000'.

City, Amarillo; State, Tex.; Airport name, Amarillo Municipal; Elev., 3605'; Fac. Class, H-SAB/LOM; Ident., AM; Procedure No. NDB(ADF) Runway 3, Amdt. 7; Eff. date, 5 Dec. 68; Sup. Amdt. No. ADF 1, Amdt. 6; Dated, 8 May 65

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
AM LOM	AMA VOR	Direct	5000	T-dn	300-1	300-1	200-1/4
				C-dn	500-1	500-1	300-1/4
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

ASR.

Procedure turn N side of crs, 030° Outbnd, 210° Inbnd, 5000' within 10 miles.

Minimum altitude over facility on final approach crs, 4600'.

Crs and distance, facility to airport, 210°—4.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA VOR, climb to 5000' on R 210° within 15 miles or, when directed by ATC, turn left, climb to 5000' on R 076° within 15 miles.

CAUTION: 3764' grain elevator located adjacent to SW boundary of airport.

*Runway 21: 400-3/4 authorized with operative HIRL, except for 4-engine turbojets.

MSA within 25 miles of facility: 000°-180°-4900'; 180°-360°-6000'.

City, Amarillo; State, Tex.; Airport name, Amarillo Municipal; Elev., 3605'; Fac. Class., H-BVORTAC; Ident., AMA; Procedure No. VOR Runway 21, Amdt. 15; Eff. date, 5 Dec. 68; Sup. Amdt. No. 14; Dated, 25 Nov. 67

Cleo Int	MKT VOR	Direct	2500	T-dn %	300-1	300-1	200-1/4
				C-dn	600-1	700-1	700-1/4
				C-n	600-2	700-2	700-2
				S-dn-32	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2500' within 10 miles.

Facility on airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of MKT VOR make immediate left-climbing turn to 2500' on R 142° within 10 miles, return to VOR and hold SE on R 142°.

NOTE: Use Redwood Falls altimeter setting when MKT control zone not effective. Circling and straight-in minimums increased 200' and alternate minimums not authorized when control zone not effective, except for operators with approved weather reporting service.

% IFR departure procedures: When weather is below 500-1, northbound aircraft departing Runway 32 make left-climbing turn to 2000'; aircraft departing Runway 3 make right-climbing turn to 2000' prior to departing on crs. Restriction due to 1508' tower 2.8 miles NW and 1373' tower 1.6 miles NE of airport.

MSA: 000°-180°-2600'; 180°-270°-3200'; 270°-360°-2600'.

City, Mankato; State, Minn.; Airport name, Mankato Municipal; Elev., 1005'; Fac. Class., L-BVOR; Ident., MKT; Procedure No. VOR Runway 32, Amdt. 4; Eff. date, 5 Dec. 68; Sup. Amdt. No. Ter VOR-32, Amdt. 3; Dated, 6 Jan. 66

2. By amending § 97.11 of Subpart B to cancel low or medium frequency range (L/MF), automatic direction finding (ADF) and very high frequency omnirange (VOR) procedures as follows:

Malad City, Idaho—Malad City, VOR 1, Amdt. 3, 27 May 1965.

3. By amending § 97.17 of Subpart B to amend instrument landing system (ILS) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less 65 knots or less	More than 2-engine, more than 65 knots	More than 2-engine, more than 65 knots
AMA VOR	LOM	Direct	5000	T-dn	300-1	300-1	200-1/4
Canyon Int	LOM	Direct	5000	C-dn	500-1	500-1	300-1/4
Claude Int	LOM	Direct	5000	S-dn-03*#%	300-1/4	300-1/4	300-1/4
Finley Int	LOM	Direct	5000	A-dn	600-2	600-2	600-2
Palo Duro Int	LOM	Direct	5000				
Plant Int	LOM	Direct	6000				
Sam Int	LOM	Direct	5300				
Tower Int	LOM	Direct	5300				
West Side Int	LOM	Direct	5000				

ASR.

Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000' within 10 miles.

Minimum altitude at glide slope interception Inbnd on final, 5000'.

Altitude of glide slope and distance to approach end of runway at OM, 5000'—5 miles; at MM, 3815'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5000' on NE crs ILS within 20 miles or, when directed by ATC, (1) turn right, climb to 5000' and intercept R 076° AMA VOR within 20 miles or (2) turn left, climb to 5300' on R 307° AMA VOR within 20 miles.

NOTE: Glide slope restricted below 300' AGL.

CAUTION: Towers 3994', 3.4 miles SW; 3886', 2.1 miles SW; 3885', 2.7 miles SW of airport, 3764' grain elevator located adjacent to SW boundary of airport.

*400-3/4 required when glide slope not received. 400-1/4 authorized with operative ALS, except for 4-engine turbojets.

**RV R 2400' authorized Runway 3.

% RVR 2400'. Descent below 3005' not authorized unless approach lights are visible.

MSA within 25 miles of LOM: 000°-360°-6000'.

City, Amarillo; State, Tex.; Airport name, Amarillo Municipal; Elev., 3605'; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS Runway 3, Amdt. 9; Eff. date, 5 Dec. 68; Sup. Amdt. No. 8; Dated, 10 June 67

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE ILS—Continued

Transition		Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums		
From—	To—				2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AM LOM.....	AMA VOR.....	Direct.....	5000	T-dn.....	300-1	300-1	200-1½
				C-dn.....	500-1	500-1	500-1½
				S-dn-21*.....	300-1	300-1	300-1
				A-dn.....	800-2	800-2	800-2

ASR.
Procedure turn S side of crs, 035° Outbnd, 215° Inbnd, 5000' within 10 miles (nonstandard due ATC requirements).

No glide slope.

Minimum altitude over AMA VOR R 125° on final approach crs, 4600'.

Crs and distance, AMA VOR R 125° to airport, 215°—4.5 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA VOR, climb to 5500' on crs of ILS within 10 miles of LOM or, when directed by ATC, turn left and intercept R 076° AMA VOR, climbing to 5000' within 10 miles.

CAUTION: 3764' grain elevator located adjacent to SW boundary of airport.

*Straight-in Runway 21 300-¾ authorized with operational HIRL, except for 4-engine turbojets.

City, Amarillo; State, Tex.; Airport name, Amarillo Municipal; Elev., 3605'; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS-21 (back crs), Amdt. 6; Eff. date, 5 Dec. 68; Sup. Amdt. No. 5; Dated, 8 May 65

4. By amending § 97.19 of Subpart B to amend radar procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE RADAR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From—	To—	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less	More than 65 knots	
														Surveillance approach			
*360°	195°	0-17	4900	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	T-dn-----	300-1	300-1	200-1½
**195°	240°	0-17	5000	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	C-dn-----	400-1	500-1	500-1½
240°	350°	-----	6000	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	S-dn-21, 03, 13, 31#-----	400-1	400-1	400-1
														A-dn-----	400-1	400-1	500-1½
														A-dn-----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished:

Runway 03—Climb to 5000' and proceed to Amarillo VOR or, when directed by ATC, turn right and climb to 5000' proceeding out R 076° Amarillo VOR within 15 miles.

Runway 21—Climb to 5000' and proceed to LOM or, when directed by ATC, turn left and climb to 5000', proceeding out R 076° Amarillo VOR within 15 miles.

Runway 13—Turn left, climb to 5000' proceeding out R 076° Amarillo VOR within 15 miles.

Runway 31—Turn right, climb to 5000' to Amarillo VOR, proceed out R 076° within 15 miles.

*Radar control will provide 1000' vertical clearance within a 3-mile radius of KGNC radio tower 3860' 13.5 miles NE or maintain 4900'.

**Radar control will provide 1000' vertical clearance within a 3-mile radius of TV antennas 4308', 4298', and 5049' 8.5 miles to 12 miles WNW or maintain 6000'.

#Runway 3—400-¾ authorized with operative ALS, except for 4-engine turbojets.

#Runway 21—400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Amarillo; State, Tex.; Airport name, Amarillo Municipal; Elev., 3605'; Fac. Class. and Ident., Amarillo Radar; Procedure No. 1, Amdt. 5; Eff. date, 5 Dec. 68; Sup. Amdt. No. 4; Dated, 11 Nov. 67

5. By amending § 97.23 of Subpart C to amend very high frequency omnirange (VOR) and very high frequency-distance measuring equipment (VOR/DME) procedures as follows:

STANDARD INSTRUMENT APPROACH PROCEDURE—TYPE VOR

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL, except HAT, HAA, and RA. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or hundreds of feet RVR.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator. Initial approach minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Terminal routes			Minimum altitudes (feet)	Missed approach
From—	To—	Via		MAP: 1.8 miles after passing DHN VOR TAC.
R 115°, DHN VORTAC clockwise.....	R 154°, DHN VORTAC.....	10-mile Arc.....	2500	Right turn, climb to 2000' to Abbeville Int. via DHN VORTAC R 019° and hold. Supplementary charting information: Hold N., 1 minute, right turns, 190° Inbnd. CAUTION: Water tank 555' on airport.
R 230°, DHN VORTAC counterclockwise....	R 154°, DHN VORTAC.....	10-mile Arc.....	2000	
10-mile Arc.....	DHN VORTAC (NOPT).....	R 154°.....	1300	

Procedure turn S side of crs, 154° Outbnd, 334° Inbnd, 2000' within 10 miles of DHN VORTAC.
FAF, DHN VORTAC. Final approach crs, 334°. Distance FAF to MAP, 1.9 miles.
Minimum altitude over DHN VORTAC, 1300'.
MSA: 000°-180°-2500'; 180°-360°-1700'.
NOTE: ASR.

DAY AND NIGHT MINIMUMS

Cond.	A			B			C			D		
	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA	MDA	VIS	HAA
C.....	800	1	400	800	1	400	800	1½	400	900	2	500
A.....	Standard.			T 2-eng. or less—Standard.			T over 2-eng.—Standard.					

City, Dothan; State, Ala.; Airport name, Dothan; Elev., 400'; Facility, DHN; Procedure No. VOR-1, Amdt. 1; Eff. date, 5 Dec. 68; Sup. Amdt. No. Orig.; Dated, 21 Mar. 68

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on October 29, 1968.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 68-13401; Filed, Nov. 14, 1968; 8:45 a.m.]

Title 35—PANAMA CANAL

Chapter 1—Canal Zone Regulations

PART 119—LICENSING OF OFFICERS

Subpart D—Pilots

PILOT, PANAMA CANAL; QUALIFICATIONS

Effective immediately, Part 119 of Title 35 of the Code of Federal Regulations is amended as follows:

1. Section 119.141 is amended to read as follows:

§ 119.141 Pilot, Panama Canal; qualifications.

(a) The requirements to qualify an applicant for license as Pilot, Panama Canal are as follows:

(1) He must not have reached his 40th birthday at the time of his employment as Pilot-in-Training by the Panama Canal Company;

(2) He must have served at least 6 months as Chief Mate of Ocean Steam or Motor Vessels of 1,000 gross tons or over and hold a license issued by the U.S. Coast Guard as Master of Steam or Motor Vessels, Any Gross Tons, Any Ocean; or he must have served at least 12 months as Master of vessels of 1,000 gross tons or over and have had 24 months' experience in piloting, docking, and undocking vessels of over 2,000 gross

tons and hold a license issued by the U.S. Coast Guard, with a first class pilot endorsement, in one of the following classes:

(i) Master of Great Lakes Steam or Motor Vessels, Any Gross Tons;

(ii) Master of Bays, Sounds, and Lakes other than the Great Lakes Steam and Motor Vessels, Any Gross Tons.

(3) Prior to receiving a license as Pilot an applicant must pass the prescribed examination. In addition, the applicant must satisfactorily complete the following experience requirements:

(i) For a license as Pilot, Panama Canal, of Vessels not over 225 feet in length upon All Canal Zone Waters, he must have been employed by the Panama Canal Company as Pilot-in-Training for at least 17 weeks;

(ii) For a license as Pilot, Panama Canal, of Vessels not over 526 feet in length upon All Canal Zone Waters, he must have been employed by the Panama Canal Company as Pilot, Panama Canal, of Vessels not over 225 feet in length upon All Canal Zone Waters for at least 12 weeks; and

(iii) For a license as Pilot, Panama Canal, of Vessels of Any Tonnage upon All Canal Zone Waters, he must have been employed by the Panama Canal Company as Pilot, Panama Canal, of Vessels not over 526 feet in length upon All Canal Zone Waters for at least 52 weeks.

(b) Whenever qualified applicants meeting the age criteria specified in paragraph (a) (1) of this section are not available in sufficient numbers the Marine Director may waive the age requirement in individual cases where the applicant otherwise fully meets the requirements, but in such a case the applicant will not be eligible for a license unless he has been employed by the Panama Canal Company in a marine position prior to his 45th birthday.

(c) In the case of pilot trainees who are unusually well qualified by reason of previous piloting experience, the minimum employment period specified in paragraph (a) (3) (iii) of this section may be shortened upon recommendation of the Marine Director and approval of the Governor.

(d) If any minimum-employment period specified in paragraph (a) (3) of this section is extended, any subsequent employment period may be shortened by an amount not to exceed the period of such prior extension, upon recommendation of the Marine Director and approval of the Governor.

(2 C.Z.C. §§ 1331, 76A Stat. 46)

Dated: October 23, 1968.

[SEAL]

W. P. LEBER,
Governor.

[F.R. Doc. 68-13732; Filed Nov. 14, 1968; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service,
Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Fire Island National Seashore, N.Y.;
Vehicular Use

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916, as amended (39 Stat. 535; 16 U.S.C. 3), and in order to further implement the purposes of the act of September 11, 1964 (78 Stat. 928; 16 U.S.C. 459e), authorizing the establishment of the Fire Island National Seashore, an amendment to Part 7, Chapter I, Title 36, Code of Federal Regulations is adopted, as hereinafter set forth.

The purpose of this amendment is to allow the Superintendent flexibility in determining the expiration date of permits. By specifically eliminating December 31 as the expiration date, another date more closely related to the seasonal restrictions found in the regulations may be selected.

Since this amendment will result in a relaxation of restrictions already in effect and imposes no new or further requirements, and in order to give the public the benefit of its provisions as soon as possible, publication of a notice of proposed rule making and public comment thereon, as well as the usual 30-day waiting period before the effective date of the amendment are deemed unnecessary. Accordingly, the amended regulation will become effective upon publication of this notice in the *FEDERAL REGISTER*.

Section 7.20 of Chapter I, Title 36 of the Code of Federal Regulations is amended to change the text of § 7.20(a) as follows:

- (2) (i) as follows:
- § 7.20 Fire Island National Seashore.
- (a) Operation of motor vehicles. * * *
- (2) Permits. * * *
- (i) Permits may be issued for periods of 1 day to 1 year depending on the reasonable requirements of the applicant.

THOMAS F. NORRIS, JR.,
Assistant Superintendent,
Fire Island National Seashore.
[F.R. Doc. 68-13757; Filed, Nov. 14, 1968;
8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration
MISCELLANEOUS AMENDMENTS TO CHAPTER

The following materials set forth miscellaneous amendments including those

made necessary by the revision of GSA Form 1139, General Conditions.

The table of parts is amended to add the following entry:

5B-12 Labor.

PART 5B-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B-2.2—Solicitation of Bids

§ 5B-2.202-77 [Deleted]

§ 5B-2.202-78 [Deleted]

Sections 5B-2.202-77 and 5B-2.202-78 are withdrawn as their substance, to the extent necessary, has been included in the April 1968 edition of GSA Form 1139.

PART 5B-7—CONTRACT CLAUSES

Subpart 5B-7.6—Fixed-Price Construction Contracts

§ 5B-7.601 Required clauses. [Amended]

The text of this section, which sets forth changes required to be made in the former edition of GSA Form 1139, is withdrawn as unnecessary.

A new part is added to read as follows:

PART 5B-12—LABOR

Subpart 5B-12.4—Labor Standards in Construction Contracts

Sec.
5B-12.404-3 Additional classifications.
5B-12.404-4 Apprentices.

AUTHORITY: The provisions of this Part 5B-12 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5B-12.4—Labor Standards in Construction Contracts

§ 5B-12.404-3 Additional classifications.

(a) When a classification for laborers and mechanics required in the performance of the contract work is not listed in the wage determination incorporated in the contract, the contractor shall be required to submit a proposed classification or reclassification and wage rate, plus fringe benefits, if any, to the contracting officer on GSA Form 2428, Request for Authorization of Additional Classification(s), Rate(s), and Fringe Benefit(s), together with data to substantiate the establishment of the proposed classification or reclassification and rate. For purposes of establishing prevailing rates, information reflecting wage rates and classifications employed on similar projects in the vicinity may be obtained from contractors' associations, labor organizations and other contractors.

(b) Upon receipt of GSA Form 2428, the contracting officer shall:

(1) Review the wage determination in the contract to see if there is a classification that can be used to cover the work to be performed. Example: If there is a crane operator in the appropriate schedule of the wage determination and the contractor requests a dragline operator, the contractor can use the crane operator rate.

(2) If there is no applicable classification and rate in the schedule, assure that the new classification or reclassification

requested is generally used in the construction industry or that it is used locally, and that the rate proposed is not less than that which was prevailing in the area 10 days before opening of bids.

(3) Determine that the proposed rate is generally conformable with other rates in the contract. An example of nonconformability would be having a crane operator listed in the wage determination at \$4.50, but proposing an additional classification for a dragline operator at \$2.

(4) If the proposed additional classification or reclassification and rate are satisfactory, check the appropriate box and sign GSA Form 2428. Any difference of opinion between the parties should be resolved, if possible, by obtaining additional information and/or discussing the problem.

(5) If the contractor and the contracting officer cannot agree on the proper classification or reclassification and rate, check the appropriate box on GSA Form 2428 indicating that the question will be referred to the Secretary of Labor for final determination. This submission should include substantiating data and the contracting officer's recommendation.

(6) Distribute GSA Form 2428 as follows:

(i) Original to the Director, Construction Division, Attention: PCCA, together with supporting data, for submission to the Department of Labor, with a copy for retention by Central Office.

(ii) Copy to the Construction Engineer at the site.

(iii) Copy to the prime contractor, indicating either the contracting officer's approval or that the question is being referred to the Department of Labor, as appropriate.

(iv) Copy to regional office file.

(7) If the question is referred to the Department of Labor, notify the contractor promptly upon receipt of the determination of the proper classification and rate.

(c) When the contracting officer indicates his approval on GSA Form 2428, it may be assumed, for the purpose of checking payrolls, that the additional classification(s) and rate(s) are satisfactory unless GSA is otherwise advised within 30 days from receipt of the report by the Department of Labor. Should a correction or objection be received from the Department at a later date, a proper adjustment would be necessary.

§ 5B-12.404-4 Apprentices.

(a) Apprentices may be employed by contractors or subcontractors on construction projects only when the prime contractor has presented to the contracting officer written evidence that such apprentices are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or if no such recognized agency exists in a State, under a program registered directly with the aforesaid Bureau of

Apprenticeship and Training. Such evidence, together with the allowable ratio of apprentices to journeymen and the wage rates applicable in the area of the project, shall be submitted by the contractor prior to using apprentices on the project.

(b) Whenever the payrolls indicate that a contractor has classified employees as apprentices without complying with the foregoing requirements, the contractor shall be required to pay such employees at the journeymen's rates applicable to the classification of work they actually performed.

(c) Any bona fide apprentices employed in excess of the allowable ratio, will be entitled to journeymen's rates for each day of disproportionate employment on the project. Allowances should be made for journeymen absenteeism due to circumstances beyond the control of the contractor.

(d) Apprentice employment data must be furnished with the first payroll on which each apprentice appears. The payroll must show the period of training and approved wage rate of each apprentice employed.

PART 5B-16—PROCUREMENT FORMS

The table of contents for Part 5B-16 is amended to reflect the issuance of the April 1968 edition of GSA Form 1139, and to add certain new entries, as follows:

Subpart 5B-16.9—Illustrations of Forms

Sec.	
5B-16.950-618A (FL)	GSA Form 618A (FL): Form letter for informing contractor of labor standards provisions (May 1968).
5B-16.950-618D	GSA Form 618D: Statement To Be Submitted When Work Is Performed Personally (March 1959).
5B-16.950-1137	GSA Form 1137: Request, Proposal, and Acceptance Covering Construction Contract Modification (December 1965).
5B-16.950-1139	GSA Form 1139: Section 0010, General Conditions (April 1968).
5B-16.950-2402 (FL)	GSA Form 2402 (FL): Form letter for notifying contractor of action taken on shop drawing submittals (April 1968).
5B-16.950-2417 (FL)	GSA Form 2417 (FL): Notice to Proceed (May 1968).
5B-16.950-2419	GSA Form 2419: Certification of Payment to Subcontractors and Suppliers (May 1968).

Sec.
5B-16.950-2428

GSA Form 2428:
Request for Authorization of Additional Classification(s), Rate(s), and Fringe Benefit(s) (June 1968).

NOTE: Copies of the forms are filed with the originals and are available from the Business Service Center in any regional office of the General Services Administration.

PART 5B-53—CONTRACT ADMINISTRATION

Subpart 5B-53.70 is recodified and republished as set forth below:

Subpart 5B-53.70—Administration of Fixed-Price Construction Contracts

Sec.
5B-53.7010 Subcontractors.
5B-53.7010-3 Circumstances permitting substitution for subcontractor named in bid.

AUTHORITY: The provisions of this subpart 5B-53.70 issued under sec. 205(c); 63 Stat. 390; 40 U.S.C. 486(c).

§ 5B-53.7010 Subcontractors.

§ 5B-53.7010-3 Circumstances permitting substitution for subcontractor named in bid.

(a) The contracting officer may permit substitution of a subcontractor for one named in a bid pursuant to the Listing of Subcontractors provision prescribed in § 5B-2.202-70(e), in unusual situations, upon submission by the contractor or bidder of a complete justification therefor. The term "unusual situations" includes (but is not limited to) a subcontractor's:

- (1) Death or physical disability, if the named subcontractor is an individual;
- (2) Dissolution, if a corporation or partnership;
- (3) Bankruptcy;
- (4) Inability to furnish a reasonable performance and payment bond;
- (5) Inability to obtain, or loss of, a license necessary for the performance of the particular category of work;
- (6) Failure or inability to comply with a requirement of law applicable to contractors, subcontractors, or construction, alteration, or repair projects;
- (7) Failure or refusal to execute the subcontract in accordance with the terms of an offer submitted to the contractor or bidder prior to the latter's submission of his bid, but only where the contracting officer can ascertain with reasonable certainty the terms of such offer. In the absence of any other factors, such a failure or refusal will be considered an unusual situation only if the bidder obtained, prior to bidding, an enforceable commitment from the subcontractor involved;
- (8) Failure to meet any criteria of responsibility set out in § 1-1.310-5, but only when the contracting officer, in the exercise of sound discretion, finds that substitution for this cause would be in the best interests of the Government (i.e., that it would not be prejudicial to the rights of other bidders and that the contractor or bidder has not attempted

to circumvent the restraint on bid shopping by listing a nonresponsible subcontractor in order to gain an opportunity to bid shop prior to making the requested substitution); or

(9) Failure to meet the qualifications requirements of an applicable Specialist or Competency of Bidder clause, but only when the contracting officer, in the exercise of sound discretion, after discussion with the contractor or bidder and, if appropriate, the named subcontractor, finds that substitution for this cause would be in the best interests of the Government as specified in § 5B-53.7010-3 (a) (8).

(b) Where the contracting officer ascertains that a proposed substitution is justified, the substitution shall be authorized at no increase in the bid or contract price or, if the proposed substitute offers the contractor or bidder a lower price than the named subcontractor, at a reduction in the bid or contract price.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective immediately.

Dated: November 6, 1968.

WILLIAM A. SCHMIDT,
Commissioner,
Public Buildings Service.

[F.R. Doc. 68-13775; Filed, Nov. 14, 1968; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 68-1100]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Logging Requirements; Memorandum Opinion and Order

In the matter of petition by Pacific FM, Inc., to eliminate the requirements of § 74.481 of the Commission rules concerning logging requirements for remote pickup stations except those related to frequency maintenance, RM-1246; in the matter of amendment of § 74.481 of the Commission rules and regulations concerning logging requirements for remote broadcast pickup stations.

1. On January 22, 1968, Pacific FM, Inc., licensee of FM broadcast station KPEN-FM, San Francisco, Calif., and remote broadcast pickup stations KFG-413 and KH-7586, filed a petition for rule making (RM-1246), requesting that the Commission amend section 74.481 of the rules governing remote broadcast pickup stations so as to delete the requirements for maintaining station records except those concerning frequency maintenance.

2. The petitioner argues that the requirement concerning log entries as to specific hours of operation, programs transmitted, point of origination, pertinent remarks concerning the transmission, checks of antenna lighting and frequency checks (§ 74.481(a) (1) through

(5) and (b)) are anachronistic, having been carried over from early days of broadcasting when remote pickup operations may have involved setting up lines at fixed places and there might have been some concern as to the proportion of programs originating at such places. It is the opinion of the petitioner that the requirements serve no useful purpose as related to the facts of present day broadcasting.

3. The petitioner further argues that "these rules impose burdens and invite, because of their irrelevancy, inattention and infraction." According to the petitioner, it is impractical and unnecessary to keep records of operating times or programs transmitted because the action is occurring too rapidly and useful records of this type are difficult, if not impossible, to maintain. Moreover, it is alleged, most licensees and their employees do not know what entries to make pursuant to paragraph (a)(4); paragraph (a)(5) is too burdensome and must lead to wholesale noncompliance as related to the common use of these facilities in mobile units. In summary, the petitioner asserts that situations calling for any such records are too rare to warrant the rules, that the provisions, other than the one pertaining to frequency measurements, are obsolete and irrelevant, serving no useful purpose and that they are burdensome to the licensee and the Commission's inspection staff alike.

4. The petitioner appears to misunderstand the purpose of the operating logs and the logging requirements themselves. When interference complaints arise, it often becomes necessary to ascertain whether a certain station was operating at a specific time. This is so because it is obviously impossible for the Commission to monitor the operation of all stations at all times. Instead, it requires licensees to maintain certain records of the operation of their stations so that if questions arise as to whether a station was operating at a certain time and date, such information will be available in the log. In the case of mobile stations, it is also important to know where the transmitter was located when it was operated. Log entries, made whenever the transmitter is used, describing the purpose of the operation, are useful in determining whether the use was consistent with the terms of its license and the rules governing the service. The requirement that log entries be made of inspection of antenna illumination is to assure that these hazard markings, where needed to warn aircraft of the presence of the antenna, are maintained in working order. In accepting a license for the operation of any kind of radio station, the licensee is expected to also assume certain responsibilities, among which is the keeping of accurate records of station operation. The argument that such responsibilities are burdensome is without merit.

5. As a matter of fact, the logging requirements for remote broadcast pickup stations are extremely modest, so modest that the petitioner could recommend only that they be eliminated entirely to reduce the "burden" further. It is possible that the very simplicity of the rule has led to the use of too simple language

and licensees misunderstand the requirements. For example, the requirement that the "hours of operation" be logged does not mean that each individual transmission in a series of intermittent transmissions must be logged. "Program transmitted" does not call for a complete description of the program content. "Point of program origination" merely calls for information that would tell where the transmitter was located. In the case of traffic advisory broadcasts from a helicopter, the log would simply show: "4:30 to 6 p.m. a series of intermittent transmissions from a helicopter over various parts of Washington, D.C. advising motorists of traffic conditions." The log entry for a remote pickup station broadcasting a baseball game would show: "2:15 to 4:45 p.m., preliminary setup and broadcast of baseball game from Briggs Stadium, Detroit, Michigan for broadcast (or rebroadcast) by KZYX." "Pertinent remarks" might contain a notation, "transmitter failed 2:43 to 2:50 p.m., replaced defective tube". Typical base station log entries might show: "4:30—contacted mobile unit aboard helicopter for preliminary check". Intermittent short transmissions giving cues and orders to mobile unit until 6:05 p.m." If the base station had an antenna that was required to be painted and lighted, a log entry would be made of each daily inspection of the lighting and the periodic maintenance check. This requirement has nothing to do with the use of the transmitter. The antenna would be a hazard whether the transmitter were used or not. Short transmissions unrelated to each other should be logged separately. For example, if a roving mobile unit advises the base station that it is going out of service and some time later advised the base station that it is back in service, the transmissions should be logged separately, each with a single time entry, i.e., "12:30 p.m.—advised base station going out of service for lunch." "1:23 p.m.—notified base station—back in service."

4. The petitioner in this case has offered no valid reason for further reducing the logging requirements for remote broadcast pickup stations and its petition must be denied. However, an amendment of § 74.481 to clarify the requirements of the present rule will prevent misunderstanding that may lead to infractions on the one hand or keeping unnecessarily complicated and burdensome records on the other hand. Various licensees of remote broadcast pickup stations have inquired as to whether logs for the mobile station may be kept by the operator at the base station. It is claimed that the operator in the mobile unit is unable to keep a neat and accurate log because of preoccupation with other duties. The amendment adopted herein will make it clear that there is no objection to that practice if adequate precautions are taken to insure that transmissions by the mobile units which are not observed by the operator at the base station, are properly logged. This is accomplished by requiring the operator in the mobile unit to keep a

record of transmissions which are not acknowledged by the base station. The amended rule also permits the operator in the mobile unit to keep a rough log, making the entries in the permanent log at the station at the end of the tour of duty.

5. Accordingly, pursuant to the authority contained in sections 4(i) and 303(j) of the Communications Act of 1934, as amended: *It is ordered*, That, effective November 19, 1968, § 74.481 of the Commission rules is amended as set forth below. The changes are intended to clarify the requirements of the present rule and are therefore interpreted as declaratory in nature, and prior notice of proposed rule making, and the usual waiting period following publication in the FEDERAL REGISTER, are not required.

6. *It is further ordered*, That the petition of Pacific FM, Inc. (RM-1246), filed January 22, 1968, is denied.

(Secs. 4, 303, 48 Stat., as amended 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 6, 1968.

Released: November 12, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 74.481 of the Commission rules is amended to read as follows:

§ 74.481 Station records.

(a) The licensee of a remote pickup broadcast base or mobile station shall maintain an operating log to show when and for what purpose the station is operated. The following basic data shall be recorded.

- (1) The date and time of operation.
- (2) The purpose of the operation.
- (3) The location of the transmitter, if a mobile or portable station.
- (4) The station with which it communicates.
- (5) Frequency check, if made.
- (6) If the antenna structure is required to be painted and lighted by the station authorization, the entries required by § 17.49 of this chapter.
- (7) Any pertinent remarks concerning the transmissions or equipment deemed desirable or necessary by the operator.

(b) In cases where a series of intermittent transmissions relating to coverage of a single event are made, an entry showing the time of the beginning of the series and time of the conclusion of the series will suffice. A notation such as "intermittent transmissions in connection with coverage of automobile accident at Main and Fern Streets" will explain the purpose of the operation and location of the transmitter. The station with which it communicates could be the base station (call sign) or the associated broadcast station (call sign). Intermittent but unrelated transmissions shall be logged separately. A single time entry may be made for short transmissions of less than one minute duration. The time of beginning and ending shall be logged

¹ Commissioner H. Rex Lee not participating.

for longer transmissions. In all cases, the purpose of the transmission shall be shown and the approximate location of the mobile unit. If the mobile unit is halted, the exact location should be known.

(c) In cases where a base station is used for dispatching mobile units, a running log may be kept at the base station, containing entries for both the base station and one or more mobile units. Each entry should be identified by the call sign of the station making the transmission. The operator in the mobile unit shall keep a record of all transmissions by the mobile unit which are not acknowledged by the base station so that these missed transmissions may be inserted at the appropriate place in the log kept at the base station.

(d) In cases where only mobile units are used, the logs shall be kept by the operator in the mobile unit. A rough log may be kept by the operator in the mobile unit and these notes entered in a permanent log at the end of the tour of duty.

(e) An entry shall be made of any frequency check made pursuant to the requirements of § 74.462.

(f) If the station instrument of authorization requires painting and lighting of the antenna structure, the log entries concerning lighting shall be made daily whether or not the transmitter is used.

(g) Station records shall be kept in such manner as to be available for inspection by a duly authorized representative of the Commission upon request. The records shall be retained for a period of 2 years.

[F.R. Doc. 68-13780; Filed, Nov. 14, 1968; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Tennessee National Wildlife Refuge, Tenn. and Catahoula National Wildlife Refuge, La.

The following special regulations are issued and are effective upon publication in the FEDERAL REGISTER. These special regulations provide access across and through certain portions of National Wildlife Refuges. These access routes are delineated on maps available at the respective refuge office.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

TENNESSEE

TENNESSEE NATIONAL WILDLIFE REFUGE

A corridor open to the transportation of unloaded and encased shotguns by vehicle and boat across certain following described lands and waters of the Tennessee National Wildlife Refuge is hereby proclaimed. The period open to firearm

transportation shall run concurrently with any and all legal waterfowl seasons designated for the counties of Perry and Decatur in the State of Tennessee.

The land portion of the corridor shall consist of the "Marina Ridge Road" from where said road enters the Tennessee National Wildlife Refuge southward to the Sugar Tree Marina, including the marina parking area.

A water corridor shall follow the meanders of Morgan Creek in an easterly direction from the Sugar Tree Marina dock to the mouth of Morgan Creek and thence due east to mid-channel of the Tennessee River.

The water corridor width is set forth as that water area up to 100 feet on either side of the channel marker buoy from Sugar Tree Marina to the mouth of Morgan Creek, except that no boat bearing firearms shall be permitted nearer than 20 feet to any mainland. From the mouth of Morgan Creek to the midchannel of the Tennessee River, the water corridor width is set forth as that water area up to 250 feet on either side of an imaginary line running due east from midchannel of Morgan Creek inlet to midchannel of the Tennessee River.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

A corridor open for the transportation of unloaded and encased firearms by vehicle and boat during any and all legal waterfowl hunting season as follows.

That portion of Catahoula Refuge between and including refuge road on south side of French Fork and Catahoula Lake in sections 8 and 9, T. 6 N., R. 4 E.; refuge road along east and south boundary of Bureau owned land in section 2, T. 6 N., R. 4 E.; Bureau owned land in sections 3 and 4, T. 6 N., R. 4 E.

Bureau owned lands in sections 15 and 22, T. 7 N., R. 4 E. and that portion of refuge road along Old River in section 14, T. 7 N., and R. 4 E.

These special regulations supplement the regulations governing transportation of firearms on National Wildlife Refuges generally which are set forth in Code of Federal Regulations, Title 50, Part 28, and are effective through the 1968-69 waterfowl hunting season.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

NOVEMBER 7, 1968.

[F.R. Doc. 68-13760; Filed, Nov. 14, 1968; 8:47 a.m.]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is per-

mitted only on the areas designated by signs as open to fishing. These open areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from December 15, 1968, to March 22, 1969, daylight hours only.

(2) The use of boats, without motors, is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 22, 1969.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

NOVEMBER 5, 1968.

[F.R. Doc. 68-13759; Filed, Nov. 14, 1968; 8:47 a.m.]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1969, through February 28, 1969, inclusive.

(2) Permit is required to take carp for sale. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 28, 1969.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

NOVEMBER 6, 1968.

[F.R. Doc. 68-13761; Filed, Nov. 14, 1968; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Information Returns With Respect to Certain Foreign Corporations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the *FEDERAL REGISTER*. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the *FEDERAL REGISTER*. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to modify the requirements with respect to Form 2952, and to make certain conforming and other changes, in the Income Tax Regulations (26 CFR Part 1) under sections 6038 and 6046 of the Internal Revenue Code of 1954, such regulations are amended as follows:

PARAGRAPH 1. Section 1.6038-2 is amended by revising paragraphs (a), (d), (e), and (f)(10), and example (1) of paragraph (k)(2). These amended provisions read as follows:

§ 1.6038-2 Information returns required of United States persons with respect to annual accounting periods of certain foreign corporations beginning after December 31, 1962.

(a) *Requirement of return.* Every U.S. person shall make a separate annual information return on Form 2952 with respect to each annual accounting period (described in paragraph (e) of this section) beginning after December 31, 1962, of each foreign corporation which that

person controls (as defined in paragraph (b) of this section) for an uninterrupted period of 30 days or more during such annual accounting period. Such information shall not be required to be furnished, however, with respect to a corporation defined in section 1504(d) of the Code which makes a consolidated return for the taxable year.

(d) *U.S. person.* For purposes of section 6038 and this section, the term "United States person" has the meaning assigned to it by section 7701(a)(30) of the Code, except that—

(1) With respect to a corporation organized under the laws of the Commonwealth of Puerto Rico, such term does not include an individual who is a bona fide resident of Puerto Rico, if a dividend received by such individual during the taxable year from such corporation would, for purposes of section 933(1), be treated as income derived from sources within Puerto Rico,

(2) With respect to a corporation organized under the laws of the Virgin Islands, such term does not include an individual who is a bona fide resident of the Virgin Islands and whose income tax obligation under subtitle A (relating to income taxes) of the Code for the taxable year is satisfied pursuant to section 28(a) of the Revised Organic Act of the Virgin Islands, approved July 22, 1954 (48 U.S.C. 1642), by paying tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands, and

(3) With respect to a corporation organized under the laws of any possession of the United States (other than Puerto Rico or the Virgin Islands), such term does not include an individual who is a bona fide resident of such possession and whose income derived from sources within any possession of the United States is not, by reason of section 931(a), includible in gross income under subtitle A (relating to income taxes) of the Code for the taxable year.

The provisions of paragraph (b), (c), or (d), respectively, of § 1.957-4 shall apply for purposes of determining whether an individual is excepted under subparagraphs (1), (2), or (3), respectively, of this paragraph from being a U.S. person with respect to a corporation described in such subparagraph.

(e) *Period covered by return.*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the information required under paragraphs (f) and (g) of this section with respect to a foreign corporation shall be furnished for the annual accounting period of the foreign corporation ending with or within the U.S. person's taxable year. For purposes of this section, the annual accounting period of a foreign corporation is the annual period on the basis of which that

corporation regularly computes its income in keeping its books. The term "annual accounting period" may refer to a period of less than 1 year, where, for example, the foreign income, war profits, and excess profits taxes are determined on the basis of an accounting period of less than 1 year as described in section 902(c)(2). If more than one annual accounting period ends with or within the U.S. person's taxable year, separate annual information returns shall be submitted for each annual accounting period.

(2) *Special rule where certain information is not currently available.* If at the time a return on Form 2952 which is required under paragraph (a) of this section for an annual accounting period of a foreign corporation is filed, all or part of the information required to be furnished by paragraph (f)(10)(ii) of this section is not currently available, the U.S. person shall file at such time—

(i) An annual information return on Form 2952 for such annual accounting period, to which is attached the statement required by subparagraph (3) of this paragraph, containing all information required by paragraphs (f) and (g) of this section other than any information required by paragraph (f)(10)(ii) which is not currently available, and

(ii) A separate annual information return on Form 2952 for the immediately preceding annual accounting period of the foreign corporation, if such person has not filed a return on Form 2952 for such preceding accounting period, containing all information required by paragraphs (f) and (g) of this section in respect of such preceding accounting period.

(3) *Statement and completed return required.* A U.S. person who is required to file the return on Form 2952 prescribed by subparagraph (2)(i) of this paragraph for an annual accounting period of a foreign corporation shall (i) attach to such return a statement indicating the reason why the omitted information is not currently available and (ii) be required to include such omitted information in a completed annual information return on Form 2952 for such annual accounting period of such corporation, which shall be filed with his income tax return for the taxable year following the taxable year for which the return on Form 2952 required by subparagraph (2)(i) of this section is filed. This requirement for a completed annual information return on Form 2952 for such annual accounting period of the foreign corporation may be satisfied by filing the information return in respect of such corporation required by subparagraph (2)(ii) of this subparagraph, if such subparagraph applies at the time the completed return on Form 2952 is required to be filed.

(f) *Contents of return.* * * *

(10) (i) For an annual accounting period beginning before January 1, 1969, the amount of the corporation's—

- (a) Current earnings and profits,
- (b) Foreign income, war profits, and excess profits taxes paid or accrued,
- (c) Distributions out of current earnings and profits for the period, and
- (d) Distributions other than those described in (c) of this subdivision and the source thereof; or

(ii) For an annual accounting period beginning after December 31, 1968, the amount of the corporation's—

(a) Earnings and profits, determined as provided in § 1.964-1 but without taking into account any exchange gain or loss determined under paragraph (e) of that section,

(b) Foreign income taxes imposed on or with respect to the gains, profits, and income to which such earnings and profits are attributable, and the name of the foreign country to which each such tax is paid or accrued,

(c) Credits against tax allowed in determining the foreign income taxes described in (b) of this subdivision, the name of the foreign country granting each such credit, and a description of the amount and nature of each such credit, including the accounting period in respect of which the credit arose,

(d) Gains, profits, or income taken into account under (a) of this subdivision which are exempt from foreign income taxes, and gains, profits, or income not taken into account under (a) of this subdivision upon which foreign income taxes are imposed, and a description of the amount and nature of each such item, and the reason for such treatment,

(e) Deductions or special allowances taken into account under (a) of this subdivision but not included in determining foreign income taxes described in (b) of this subdivision, and deductions or special allowances not taken into account under (a) of this subdivision but included in determining foreign income taxes described in (b) of this subdivision, and a description of the amount and nature of each such item, and the reason for such treatment,

(f) Distributions out of the earnings and profits determined under (a) of this subdivision, and

(g) Distributions for the accounting period other than those described in (f) of this subdivision.

For purposes of this subdivision, the term "foreign income taxes" means income, war profits, and excess profits taxes imposed by a foreign country or a possession of the United States. The gains, profits, and income of the foreign corporation for an accounting period shall be determined after reduction by any income, war profits, or excess profits taxes imposed by the United States on or with respect to such gains, profits, and income of such foreign corporation. The amount of tax imposed, for purposes of this subdivision, shall be the amount determined after allowance of credits against the tax. For special rules regarding the reporting of the informa-

tion specified in this subdivision see paragraph (e) (2) of this section.

(k) *Two or more persons required to submit the same information.* * * *

(2) *Persons excepted from furnishing information.* * * *

Example (1). A, a U.S. person owns 100 percent of the stock of M, a domestic corporation. A also owns 100 percent of the stock of N, a foreign corporation organized under the law of foreign country Y. A, in filing the information return required by this section with respect to N Corporation, in fact furnishes all of the information required of M Corporation with respect to N Corporation. M Corporation need not file the information.

PAR. 2. Section 1.6046-1 is amended by revising paragraph (a) (1), the text of paragraph (a) (2) (i) preceding (a) thereof, the text of paragraph (b) preceding subparagraph (1) thereof, paragraph (b) (2), the text of paragraph (c) (1) preceding subdivision (i) thereof, paragraph (c) (2), paragraph (c) (3) (i), the text of subdivision (ii) (d) of paragraph (c) (3) preceding (1) thereof, paragraph (c) (3) (iii), and paragraph (e) (4) and (5), and by adding new subparagraphs (3) and (4) to paragraph (f). These amended and added provisions read as follows:

§ 1.6046-1 Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock, on or after January 1, 1963.

(a) *Officers or directors.*—(1) *When liability arises on January 1, 1963.* Each U.S. citizen or resident who is on January 1, 1963, an officer or director of a foreign corporation shall make a return on Form 959 showing the name, address, and identifying number of each U.S. person who, on January 1, 1963, owns 5 percent or more in value of the outstanding stock of such foreign corporation.

(2) *When liability arises after January 1, 1963.*—(i) *Requirement of return.* Each U.S. citizen or resident who is at any time after January 1, 1963, an officer or director of a foreign corporation shall make a return on Form 959 setting forth the information described in subdivision (ii) of this subparagraph with respect to each U.S. person who, during the time such citizen or resident is such an officer or director—

(b) *Returns required of U.S. persons when liability to file arises on January 1, 1963.* Each U.S. person who, on January 1, 1963, owns 5 percent or more in value of the outstanding stock of a foreign corporation, shall make a return on Form 959 with respect to such foreign corporation setting forth the following information:

(2) The name, business address, and employer identification number, if any, of the foreign corporation, the name of the country under the laws of which it is incorporated, and the name of the country in which is located its principal place of business;

(c) *Returns required of U.S. persons when liability to file arises after January 1, 1963.*—(1) *U.S. persons required to file.* A return on Form 959, containing the information required by subparagraph (3) of this paragraph, shall be made by each U.S. person when at any time after January 1, 1963—

(2) *Shareholders who become U.S. persons.* A return on Form 959, containing the information required by subparagraph (3) of this paragraph, shall be made by each person who at any time after January 1, 1963, becomes a U.S. person while owning 5 percent or more in value of the outstanding stock of such foreign corporation.

(3) *Information required to be shown on return.*—(i) *In general.* The return on Form 959, required to be filed by persons described in subparagraph (1) or (2) of this paragraph, shall set forth the same information as is required by the provisions of paragraph (b) of this section except that where such provisions require information with respect to January 1, 1963, such information shall be furnished with respect to the date on which liability arises to file the return required under this paragraph.

(ii) *Additional information.* * * *

(d) If a return is filed by reason of the organization or reorganization of the foreign corporation on or after January 1, 1963, the following information with respect to such organization or reorganization:

(iii) *Exclusion of information previously furnished.* In any case where any identical item of information required to be filed under this paragraph by a shareholder with respect to a foreign corporation has previously been furnished by such shareholder in any return made in accordance with the provisions of this section, such shareholder may satisfy the requirements of this paragraph by filing Form 959, identifying such item of information, the date furnished, and stating that it is unchanged.

(e) *Special provisions.* * * *

(4) *Persons excepted from filing returns.*—(i) *Return required of officer or director under paragraph (a) (1).* Notwithstanding paragraph (a) (1) of this section, any U.S. citizen or resident required to make a return under such paragraph with respect to shareholders of a foreign corporation, need not make such return if, on January 1, 1963, three or fewer U.S. persons own 95 percent or more in value of the outstanding stock of such foreign corporation and file a return or returns with respect to such corporation under paragraph (b) of this section.

(ii) *Return required of officer or director under paragraph (a) (2).* Notwithstanding paragraph (a) (2) of this section, any U.S. citizen or resident required to make a return under such paragraph with respect to a person acquiring stock of a foreign corporation in an acquisition described in subdivision (i) (a) or (b)

of such paragraph need not make such return, if—

(a) As a result of such acquisition of stock of such foreign corporation, a U.S. person files a return as a shareholder under paragraph (c) (1) of this section, and

(b) Immediately after such acquisition of stock, three or fewer U.S. persons own 95 percent or more in value of the outstanding stock of such foreign corporation.

(iii) *Return required by reason of attribution rules.* Notwithstanding paragraph (b) or (c) of this section, any person required to make a return under such paragraph with respect to a foreign corporation need not make such return, if—

(a) Such person does not directly own an interest in the foreign corporation,

(b) Such person is required to furnish the information solely by reason of attribution of stock ownership from a U.S. person under paragraph (i) of this section, and

(c) The person from whom the stock ownership is attributed furnishes all of the information required under paragraph (b) or (c) of this section of the person to whom such stock ownership is attributed.

(iv) *Return required of officer or director with respect to person described in subdivision (iii).* Notwithstanding paragraph (a) of this section, any U.S. citizen or resident required to make a return under such paragraph with respect to a person exempted under subdivision (iii) of this subparagraph from making a return need not make a return with respect to such person.

(5) *Persons excepted from furnishing items of information.* Any person required to furnish any item of information under paragraph (b) or (c) of this section with respect to a foreign corporation, may, if such item of information is furnished by another person having an equal or greater stock interest (measured in terms of value of such stock) in such foreign corporation, satisfy such requirement by filing a statement with his return on Form 959 indicating that such liability has been satisfied and identifying the return in which such item of information was included.

(f) *Meaning of terms.* * * *

(3) *U.S. person.* For purposes of section 6046 and this section the term "United States person" has the meaning assigned to it by section 7701(a) (30) of the Code, except that—

(i) With respect to a corporation organized under the laws of the Commonwealth of Puerto Rico, such term does not include an individual who is a bona fide resident of Puerto Rico, if a dividend received by such individual during the taxable year from such corporation would, for purposes of section 933(1), be treated as income derived from sources within Puerto Rico,

(ii) With respect to a corporation organized under the laws of the Virgin Islands, such term does not include an individual who is a bona fide resident of the Virgin Islands and whose income tax obligation under subtitle A (relating to

income taxes) of the Code for the taxable year is satisfied pursuant to section 28(a) of the Revised Organic Act of the Virgin Islands, approved July 22, 1954 (48 U.S.C. 1642), by paying tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands, and

(iii) With respect to a corporation organized under the laws of any possession of the United States (other than Puerto Rico or the Virgin Islands), such term does not include an individual who is a bona fide resident of such possession and whose income derived from sources within any possession of the United States is not, by reason of section 931 (a), includible in gross income under subtitle A (relating to income taxes) of the Code for the taxable year.

The provisions of paragraph (b), (c), or (d), respectively, of § 1.957-4 shall apply for purposes of determining whether an individual is excepted under subdivision (i), (ii), or (iii), respectively, of this subparagraph from being a U.S. person with respect to a corporation described in such subdivision.

(4) *Applicable Form 959.* The Form 959 which shall be used for purposes of this section is Form 959 (Rev. Jan. 1963) or such subsequent revision of such form as may be in use at the time the liability to file a return on Form 959 arises.

[F.R. Doc. 68-13813; Filed, Nov. 14, 1968; 8:49 a.m.]

[26 CFR Parts 177, 178]

COMMERCE IN FIREARMS AND AMMUNITION

Notice of Proposed Rule Making

Correction

In F.R. Doc. 68-13482 appearing at page 16285 in the issue for Wednesday, November 6, 1968, make the following change: In § 178.11, the definition appearing directly below "Short-barreled shotgun" should read as follows:

Shotgun. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

MISCELLANEOUS INDIAN IRRIGATION PROJECTS

Order Fixing Operation and Maintenance Charges

Notice is hereby given that, pursuant to the Administrative Procedure Act of June 11, 1946 (80 Stat. 238), section

4(a), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F.R. 10297), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Directors by section 200 of the Commissioner's Order 551, notice is hereby given of the intention to modify § 221.105, *Charges*, of Title 25, Code of Federal Regulations, dealing with Annual Per Acre Assessment against the irrigable lands of the San Carlos Reservation by increasing the annual per acre assessment against non-Indian owned land and Indian owned land leased to non-Indians from \$16 to \$22 per acre. This change will become effective for the calendar year 1969 and for each succeeding calendar year thereafter until further notice.

It is the policy of the Department of the Interior whenever practicable to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to W. Wade Head, Area Director, Phoenix Area Office, Post Office Box 7007, Phoenix, Ariz. 85011, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

W. WADE HEAD,
Area Director.

[F.R. Doc. 68-13764; Filed, Nov. 14, 1968; 8:47 a.m.]

National Park Service

[36 CFR Part 7]

CARLSBAD CAVERNS NATIONAL PARK, N. MEX.

Cave Entry

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and the Act of May 14, 1930 (46 Stat. 279, 16 U.S.C. 407a), 245 DM-1 (27 F.R. 6395), National Park Service Order No. 34 (31 F.R. 4255), Regional Director, Southwest Regional Order No. 4 (32 F.R. 10520), as amended, it is proposed to amend § 7.47 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to eliminate special regulations on speed, which are no longer needed, and to clarify restrictions on entry into undeveloped portions of caves within the park.

It is the policy of the Department of the Interior, wherever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Carlsbad Caverns National Park, Box 1598, Carlsbad, N. Mex. 88220, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.47 is amended to read as follows:

§ 7.47 Carlsbad Caverns National Park.

(a) *Cave entry*—(1) *Closed areas*. With the exception of the regular trips into Carlsbad Caverns under the guidance or supervision of employees of the National Park Service, no person shall enter any cave or undeveloped part or passageway of any cave situated within Carlsbad Caverns National Park without prior permission of the Superintendent in writing.

(2) *Permits*. Permits will be granted only to individuals representing recognized scientific or educational institutions engaged in investigations which have demonstrable value to the National Park Service in its management and understanding of cave resources. Such permits for entry into sections of caves which are not open to the visiting public will be issued within limitations of safety, provided the applicant satisfied the Superintendent that he has proper equipment for cave exploration, such as lighting equipment, protective headwear and appropriate shoes or boots. Other reasonable administrative requirements may be imposed by the Superintendent provided reasonable notice of these requirements is given to the applicant.

(3) *Solo exploration*. Solo exploration is not permitted in any cave or undeveloped part or passageway of any cave within the park.

NEAL G. GUSE,
Superintendent,
Carlsbad Caverns National Park.

[F.R. Doc. 68-13758; Filed, Nov. 14, 1968;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 908]

[Docket No. AO-250-A4]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Decision and Referendum Order With Respect to Proposed Further Amendment of the Amended Marketing Agreement and Order; Correction

In F.R. Doc. 68-11966 appearing in the issue of Wednesday, October 2, 1968 (33 F.R. 14714), the date "February 1, 1966" appearing in line 19, column 3 of page 14714, is corrected to read "February 1, 1967."

Dated: November 12, 1968.

TED J. DAVIS,
Assistant Secretary.

[F.R. Doc. 68-13788; Filed, Nov. 14, 1968;
8:49 a.m.]

[7 CFR Part 967]

[AO-354-A1]

CELERY GROWN IN FLORIDA

Decision With Respect to Proposed Amendment of Marketing Agreement and Order; and Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Orlando, Fla., June 27-28, 1968. The notice thereof was published in the June 19, 1968, issue of the *FEDERAL REGISTER* (33 F.R. 9024). The notice set forth a proposed amendment to Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967) hereinafter collectively referred to as the "order", regulating the handling of celery grown in Florida.

On the basis of the evidence introduced at the hearing and the record thereof, a recommended decision in this proceeding was filed on October 18, 1968, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof was published in the October 22, 1968, issue of the *FEDERAL REGISTER* (F.R. Doc. 68-12867; 33 F.R. 15594). This notice allowed 10 days after publication for filing written exceptions thereto. None was filed.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The need for amending the order;
(2) The inclusion of additional terms and definitions thereof as necessary and incidental to the declared objectives of the act;

(3) The addition of authority for limiting the grade, size, quality, maturity, containers and packs of celery which may be handled;

(4) The addition of authority for limiting the total volume of celery during any Flow-to-Market period with provisions for allotting the amount of celery each handler may handle under uniform rules for equitable apportionment of such quantities among producers;

(5) The addition of authority for establishing holidays by limiting the handling of harvested celery during a specified period or periods;

(6) The addition of authority, when parity prices have been established for establishing and maintaining minimum standards of quality and maturity;

(7) The addition of authority for special regulations applicable to the handling of celery for specified purposes under special regulations;

(8) The addition of authority for inspection, certification and labeling;

(9) The addition of authority for marketing research and development projects including any form of paid advertising; and

(10) Conforming changes.

Findings and conclusions. Findings and conclusions on the material issues, all of which are based upon evidence presented at the hearing and the record thereof, are as follows:

(1) The order became effective November 15, 1965, following a public hearing and a favorable vote by 98 percent of the producers voting in the referendum. After 3 years of operating this annual marketing allotment program, the committee requested amendment proceedings to include a number of additional provisions.

Prior to 1961 growers made individual decisions concerning the volume, quality, timing, and all other factors involved in the growing and marketing of their celery. This frequently resulted in the production and marketing of excess supplies of celery, both annually and during particular periods within the season. This resulted in excessive investments in land, capital, supplies, and expensive celery machinery such as harvesters far in excess of total need. It was also necessary to have excessive packing facilities, pre-coolers, refrigerated rail cars, trucks, and terminal market facilities to handle a volume of celery substantially greater than the market could absorb. Too often, celery which had received such expensive investment in growing, handling and marketing had to be dumped at the terminal market. This resulted in cut-throat competition and extremely low prices detrimental to the producer and handler as well as to the economy of the State and the celery producing communities.

Record evidence clearly shows the need for the amendments to assist and maintain the orderly marketing of celery. The record shows seasonal average prices per crate of \$1.51, \$1.78, and \$1.80 respectively for the last three seasons before any marketing order program was in effect, compared with \$3.55 to \$2.19 for the seven seasons when a program was in effect. The 1961 program, a State marketing order, contained provisions for grade, size, quality, annual allotments, Flow-to-Market and holiday regulations. It also authorized promotion projects.

Celery, one of Florida's more important vegetable crops, has been a source of agricultural income ranging from \$7.2 to \$25.2 million in annual farm value during the last 26 years.

The low end of this wide variation of income resulted from excessive and undesirable supplies of celery on the market. Variation in annual supply was accompanied by inverse price relationships, with returns during a number of such years being less than production costs.

Such wide variation in values at shipping point for Florida celery affects producers' returns directly. Exhibit No. 18 by Dr. Brooke shows returns for three of the four distinguishable celery growing regions of Florida. Everglades producers had net returns ranging from 3 cents per crate in 1955-56 to 57 cents per crate in 1954-55. Sarasota growers had net returns ranging from 67 cents

per crate in 1954-55 to a minus 66 cents per crate in 1952-53, with losses in four of the seven seasons—1950-51 through 1956-57. In the Central Florida area, Sanford growers also suffered losses in four of those seven seasons. Oviedo growers had losses in two of those seasons and Zellwood growers showed losses in three seasons and profits in two. Figures were not compiled for the North Florida area, consisting of a relatively small muckland area in Alachua County.

Grower losses in the decade prior to 1961 forced a relatively large proportion of celery growers out of the industry. Some celery growers became insolvent. The orderly exchange of celery was disrupted and the purchasing power of Florida celery growers was impaired.

Labor requirements for producing, harvesting and marketing celery are substantial. For 1966-67 total growing costs ranged from \$620 to \$1,100 per acre, with 31 to 35 percent representing production labor costs. Fertilizer costs, within the above figure, ranged from \$104 in the Everglades to \$162 per acre in the West Coast area. Similarly, cost of insect and disease control program ranged from \$71 to \$148 per acre.

Harvesting costs in 1966-67 ranged from \$848 to \$1,116 per acre, with 40 percent of this amount being paid to labor. Harvesters, commonly referred to as "mule trains", cost over \$15,000 each and require a crew of about 60 people.

Generally the producer finances such production and harvesting costs with borrowed capital. Producers' assets are affected by the returns received from celery. Also affected are the local and national credit structures related to the production and marketing structure for celery. Labor is directly affected by the marketing conditions associated with Florida celery. Related industries, such as credit agencies, manufacturers and dealers in fertilizer, insecticide, machinery, packaging, etc., are also directly affected by marketing conditions for this commodity.

The record indicates the operation of Flow-to-Market, grade and size and other regulatory authority under State law in conjunction with the Federal order has been a tremendous benefit to the industry, to servicing agencies and the consumers. It has been providing the means to tailor the flow of celery to market more accurately according to time periods within the total marketing season, to further reduce the economic waste which otherwise would result and did exist prior to 1961. Since 1961 when the State marketing order became effective, the average for total annual value has been \$21 million compared with \$13 million during the 7 preceding years, while production during the same period has averaged 4.5 million hundredweight compared with 3.9 million hundredweight.

Knowledgeable members of the industry testified they simply cannot afford to go back to the high risks and financial losses encountered prior to the initiation of orderly marketing conditions under marketing order programs. Unregulated marketing and long periods of disas-

trously low prices resulted in extreme financial losses to numerous growers, as well as shipping organizations.

However, since the constitutionality of the State enabling law for celery and sweet corn is now in question, the proponents testified the order should be amended to include those provisions contained in the State celery order to assure the continuation of the orderly marketing conditions that have been realized. It would also improve the administrative efficiency with the entire program being administered under one law.

The celery industry in Florida has derived substantial benefits since the effectuation of the State order in 1961, and even greater benefits since the present Federal order was issued in 1965. Such benefits have also been very meaningful to the consumer since he has enjoyed a consistent flow of high quality celery at a reasonable price during the period. It is unlikely that such benefits could have been secured had there not been market controls available. It is not possible to distinguish those benefits derived by virtue of the State order from those resulting from the Federal order. Rather, it is found that the resultant benefits from the concurrent operation of both orders in conjunction with each other have been extremely important to the protection and improvement of the celery industry in Florida. Therefore, it is important that those provisions contained in the State order be incorporated into this order so as nearly as possible to continue the proper regulation of the industry which has been effectuated in the last few years. The effectuation of the recommended amendments contained herein will achieve this purpose as nearly as is possible while still being consistent with the Act.

(2) The definition of "grade" and "size" should be included in the order. Such authority was contained in the State celery order and was a desirable control which should be continued. "Grade" and "size" should be defined as any one or more of the established grades and count set forth in (a) "U.S. Standards for Celery" (§§ 51.560 to 51.588, inclusive of this title) issued by the U.S. Department of Agriculture, effective April 7, 1959, or (b) "U.S. Consumer Standards for Celery Stalks" (§§ 51.595 to 51.613, inclusive of this title) issued by the U.S. Department of Agriculture, effective March 27, 1949, or (c) amendments to any grades or sizes (count) set forth in either of such standards, or modifications thereof, or variations based thereon. Such definition would provide the flexibility necessary to cope with the possible variations in celery due to detrimental effects of weather or other possible hazards affecting the crop. The U.S. Standards have been and are being used by the Florida celery industry so its adoption would cause no disruption of customary packing and sales operations. Such standards, therefore, provide appropriate bases for describing grade and size limitations.

"Farm operation" should be defined in the order to provide for special cases not

adequately covered by the term "producer". "Farm operation" should mean the production of celery for one or more holders of a Marketable Allotment by a single farming entity under contract or other arrangement. The Flow-to-Market allotment provision, authorized by section 608c(6) (B) of the act, is based upon the current quantities available for sale by each producer. Therefore, it is necessary to have pertinent information from each holder of a Marketable Allotment who is involved in a farm operation so that the Secretary can, as required by the act, properly allot to each producer upon the current quantities available for sale by such producers.

Without this definition, a producing unit which per se may not be the holder of a Marketable Allotment, but which had entered into a contract or other arrangement for the production of celery to be handled by or on behalf of one or more holders of Marketable Allotments would not need to give to the committee full particulars on the proprietary capacities of the individual producers involved when the committee requires reports pursuant to § 967.40(b) (1) (vi) (a) of the order. The committee needs such detailed reports for each holder of a Marketable Allotment so as to properly administer the Flow-to-Market regulation. Without the "farm operation" definition it would not be able to do so.

"Flow-to-Market period" should be defined to clearly differentiate it from the annual period—"marketing year," "fiscal year," or "season." The term "Flow-to-Market period" should mean any period of one or more days which the committee may recommend and the Secretary may approve for the purpose of Flow-to-Market regulations. During such periods it is contemplated that handling may be limited to specific quantities approved by the Secretary on the basis of committee recommendations and other considerations. It is a term the industry readily understands, having used it for 7 years.

Record evidence indicates the committee should have flexibility in recommendations for the beginning and ending of such a period. By having a flexible period the industry can better match marketing supplies with marketing needs.

(3) The declared policy of the act is to establish and maintain such orderly marketing conditions for celery, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of celery, as authorized in the proposed amended order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should prepare and adopt a marketing policy regarding the Marketable Quantity of celery for the season not later than June 15 of each year. Prior to November 1, of each year, the committee shall review such marketing policy and make revisions when changes in conditions are sufficient to warrant modification of such policy.

The committee shall also prepare and adopt a marketing policy regarding other

than Marketable Quantity regulations prior to or at the same time initial recommendations in any season are made pursuant to proposed § 967.40.

Reports of such policies should be submitted to the Secretary and made available to growers and handlers of celery. The policies so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the amended order, affecting marketing conditions for celery since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should have authority to make supplementary marketing policy statements when the situation warrants. A report of each revised marketing policy should be submitted to the Secretary and made available to producers, handlers and other interested persons by bulletins or other appropriate means.

The committee should, as the local administrative agency under the order, be authorized to recommend such grade, size, quality, pack, container, inspection, holiday, and Flow-to-Market regulations, as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is essential to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency most aware of the needs of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for celery. The committee should, therefore, have authority to recommend such regulations as are authorized by the amended order whenever such regulation will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend such amendment, modification, suspension, or termination of such regulations as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, pack, container, inspection, holiday, Flow-to-Market and other appropriate regulations which tend to improve growers' returns and to establish more orderly

marketing conditions for celery. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The grade, size, and quality of celery which are shipped at any particular time have a direct effect on returns to growers. The poorer grades and less desirable sizes of celery marketed return lower prices than do better grades and preferred sizes. A restriction, under the order, of the shipment of celery of lower grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of the poor quality celery.

Handlers sometimes have shipped in fresh market channels celery of low quality and of undesirable sizes. Such celery may be sold only at discount, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the price for the entire crop, for particular time periods below the level which otherwise would have existed if only celery of preferred grade, size and quality, considering the supply and demand conditions for such crop had been available in the markets.

The demand for particular grades, sizes, and qualities of celery varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for celery are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the celery crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. There is generally a sufficient volume of celery harvested in the production area and available for shipment in fresh market outlets so that the market demands could generally be met without shipment of the less desirable grades, sizes, and quality celery to such market outlets. The shipment of poor quality celery has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand and lowered returns to all growers. Therefore, the order should provide for the establishment by the Secretary of regulations by grade, size, and quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as

he determines are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, and its broad representation of the entire industry will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations. They will also be well qualified to advise the Secretary with respect to the supply and demand conditions under which the celery crop will be marketed.

Several varieties or strains of celery are grown in the production area. Among the more popular varieties are Utah 2-13, 686, Florimart and 5270. These have distinctive varietal characteristics which can readily be recognized and are known throughout the production area. Also breeding programs are being carried on to develop improved varieties which may replace the present ones just as these replaced the Golden variety.

Therefore, because of the differences which exist or may exist in the future, the application of identical grade, size, quality or pack regulations to all celery may be unnecessarily restrictive for some varieties, it is concluded that the order should provide authority for issuance of different regulations for different varieties.

In recognition of existing or potential factors that may affect the production and marketing of celery in any portion of the production area, the order should provide authority for the committee to recommend and the Secretary to issue regulations for any or all portions of the production area when the situation so warrants.

Unusual weather conditions may arise during a crop year in one portion of the production area. For example Sanford celery might be frozen in the field while in Sarasota and the Everglades areas there might be no damage whatsoever. This possibility is also particularly true with damage from hail, wind, and violent rain storms. Hazards of these natures are obviously beyond the control or reasonable expectation of the celery growers in such localities. Because of these circumstances, and to provide equity among producers and handlers the committee should have authority to recommend, and the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. It is contemplated, however, that any such relaxation for a portion of the production area in those circumstances will still require that the celery handled will be the better quality still available in the affected area.

Since there is a definite market preference by region of distribution for certain grades and sizes (count) of celery, it is important that the order authorize different regulations for different markets. For example, the south normally prefers the smaller sizes of celery and the east prefers larger sizes. This authority will provide the flexibility and workability needed.

It is important that the order provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of celery.

The predominant container for celery stalks is the wirebound crate (No. 3601). However, one-half and two-thirds cartons are used on occasion. Containers used for celery hearts may be crates or cartons with dimensions approximately as follows: (1) One dozen hearts, $8\frac{1}{4} \times 11 \times 15$ inches, (2) 2 dozen, $8 \times 11 \times 16\frac{1}{2}$ to $9 \times 11\frac{1}{2} \times 16$ inches.

The committee should have this authority to recommend the elimination of any containers which introduce an element of competition that adversely affects prices or tends to promote disorderly marketing of celery. It is not intended to preclude the development of new containers.

Although the container situation presents no basic problem at the present time, it is contemplated that new containers, particularly smaller containers which resemble the present ones but which contain less celery may be deceptively used to obtain a price advantage in the market place. The use of such containers, the dimensions of which vary so slightly from other containers that customers do not realize the apparent price advantage for a seemingly identical container merely reflects the smaller quantity of celery and results in disorderly marketing conditions.

Numerous sizes of containers are presently in use. It is possible that many other containers, especially consumer-type ones, may be added in the future. Such a proliferation of containers is undesirable from the buyers' viewpoint as well as the handlers' and growers'. Standardization of containers to those most suitable for the packing and handling of celery, and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other, would tend to establish more orderly marketing conditions and increase growers' returns.

The exercise of this authority, however, should not be used to close the door on experimenting with new containers more suitable for celery, or ones needed due to changes in marketing practices or to preclude commercial development of new containers of different weights and capacities.

The order should contain authority for establishing and prescribing pack specifications for the grading, sizing, and packing of any celery as well as requiring that all celery handled be packed in accordance with such pack specification. Such packing would be desirable and would help build trade confidence in the quality of Florida celery.

The record indicates the order should contain authority for limiting in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of celery during any given period as specified in proposed § 960.40(b) (3) and

(4). It also should contain authority for limiting the handling of particular grades, sizes, or packs of celery differently for different varieties; for different portions of the production area; for different markets; and for different containers for different purposes which are specified in proposed § 967.41. Such additional authority should also include limiting differently any combination of grades, sizes, qualities, packs, varieties for different portions of the production area or for different containers.

(4) The declared policy of the act is to establish and maintain such orderly marketing conditions for celery grown in the production area as will tend to establish parity prices for such celery. Variations in the quantity of celery marketed from Florida has a direct effect upon the total quantity of celery available for market and being marketed which, in turn, have a direct effect upon producers' celery prices.

The record shows that there generally tends to be an inverse relationship between volume of celery in Florida and the prices received by the producers. If the quantity increases, prices decline and if quantity decreases, prices increase. Celery has an inelastic demand and if supply is increased 1 percent there would tend to be a more than 1 percent decrease in price. When supplies are increased above market needs the result is usually a serious adverse effect on growers' prices. By reducing this supply slightly the celery industry could normally expect to enhance its total income, all other factors being equal. Market News Service reports for the 1967-68 Florida Celery crop show that generally reductions in total celery shipments for particular weeks are accompanied by increases in terminal market and shipping point price levels which, in turn, are reflected in increased prices to growers. Reports for prior years show a similar reaction. Increases in celery supplies are shown to bring about opposite price reactions.

Florida celery is marketed from late October to the following June or July of each season. Of the volume reported for the 1966-67 season, 47 percent was shipped in the months of March, April and May; 31 percent in January and February. Shipments in November (3 percent) and in June (8 percent) have been increasing in recent years, indicating an extension of the Florida marketing season. Florida celery shipments have a direct effect upon total celery supplies being marketed or available for market during its marketing season. Florida celery handlers maintain relatively constant communications with terminal markets and with other celery producing areas in their efforts to gauge total supplies and to calculate market price reactions.

Proponent's experience under the State celery order shows that regulating the quantity of celery shipped during short periods of time helps promote orderly marketing by preventing excessive, price-depressing supplies in terminal markets.

Handlers and terminal market buyers know through experience and observation that as shipments increase in any given time period supplies in all channels increase and prices decline. Terminal market buyers delay buying and pressure for sales increase at shipping point. Shipping point handlers increase the number of telephone calls to buyers to try to find outlets. This tends to build toward desperation sales. Carloads are rolled to terminals unsold, in the hopes of finding outlets as these unsold carloads are diverted from terminal to terminal. Frequently, this results in severe losses to growers, unsettled conditions and depressed prices in all terminals and losses to terminal market handlers on earlier purchases.

This type of disorderly marketing can best be corrected at shipping point through Flow-to-Market or shipping holiday types of regulation.

It is hereby found that an order regulating Florida celery whereby total quantity shipped could be limited, when supply-price relationships warrant, would help to promote orderly marketing and improve producer prices toward parity.

The order's terms and conditions should provide, it is concluded on facts found, authority for fixing the total quantity of celery which may be handled during any week or any other Flow-to-Market period or periods.

The Secretary, based upon the recommendations and information submitted by the committee or from other available information, should fix or limit the quantity of celery which may be handled during a specified Flow-to-Market period. Many variables enter into any judgment concerning the amount of celery that will satisfy the potential demand at a given time, therefore the committee should be empowered, at any time during a Flow-to-Market period to recommend to the Secretary an increase in the quantity of celery that may be handled if the situation warrants it. The record indicates the existence of means to insure an equitable and orderly flow of celery will reduce violent fluctuations in both supply and prices. An even flow of celery to terminal markets will tend to promote orderly marketing conditions by establishing buyers' confidence in market stability. The record shows such orderly marketing to be in the interests of producers and consumers. If producers receive adequate and stable farm prices they will keep marketing celery to assure ample supplies of this commodity to the consumer at stable prices.

The order should establish uniform rules for allotting the quantity which handlers may purchase from or handle on behalf of each producer based upon the current quantities available for sale by such producer to the end that the total quantity thereof to be purchased, or handled during any specified period shall be apportioned equitably among producers when the Secretary fixes the total quantity of celery which may be handled during a regulated Flow-to-Market period.

The proportion of the total quantity which may be so shipped by each handler should be determined by establishing as an allotment base for each handler, who has submitted a written report, the number of crates of celery by each producer which he will have available for handling during the ensuing Flow-to-Market period, accompanied by an application for his pro rata share. Each handler's equitable proportion shall be determined by multiplying the ratio between the total quantity of celery available for shipment by each applicant and the total quantity fixed by the Secretary to be shipped during that Flow-to-Market period times the amount he stated as having available. In the event a producer should change handlers after such report has been submitted, either before or during a Flow-to-Market period, it shall be the duty of the original handler and the new handler for such producer to notify the committee of such change and for the committee to adjust the quantities each handler may handle accordingly.

Regulation of the volume of Flow-to-Market period celery shipments through the methods provided for in the order, as authorized by the act, provides a reasonable and practical means for carrying out the policy of the act.

The terms and conditions of the order, it is concluded on facts found, should provide, uniform rules as required by the act, for equitable apportionment of handler's allotments of celery among producers thereof. The order should also authorize the development of supplemental rules thereto as needed, through ruling making procedures in accordance with § 967.30(b). Such uniform rules are found to be incidental to, and not inconsistent with, the other terms of the order and necessary for administration of the order.

The committee should determine a uniform percentage pursuant to the uniform rule of dividing the total number of crates stated to be available for handling by all handlers into the total number of crates fixed by the Secretary for the specified Flow-to-Market period. The uniform percentage should be applied uniformly to the amount available for handling for each producer to determine the maximum number of crates that may be handled by or for him during that period.

The maximum number of crates which a handler may handle during the specific Flow-to-Market period should be the total number of crates which all producers listed within his harvest request are authorized to handle or have handled on their behalf. However, the amount to be handled under these regulations will be in addition to that quantity of harvested celery such handler has on hand at the commencement of the specified Flow-to-Market period. The quantity on hand will be that shown in required reports approved for committee use by the Secretary.

During any Flow-to-Market period for which the Secretary has fixed the total quantity of celery which may be handled, a handler should not exceed such allot-

ment for the specific Flow-to-Market period; however, due to the difficulties of stopping harvest at an exact single crate, and to avoid violations due to minor overages, the rules and regulations should provide a method for a tolerance, such as 1 percent of the individual producer's prorate for the specific Flow-to-Market period or 200 crates, whichever is less. However, any such minor overage by an individual producer should be deducted from the allotment established for such producer during the next Flow-to-Market period during a season in which a regulation has been issued by the Secretary.

A quantity of celery a producer may handle or have handled on his behalf during a specific Flow-to-Market period must be within the unused portion of his annual Marketable Allotment pursuant to § 967.38.

The Committee, with the approval of the Secretary, should be empowered to establish supplemental rules to augment the uniform rules in the order in order that the allotments under Flow-to-Market will be apportioned equitably among the producers. Such augmentary rules may incorporate some of the aspects previously discussed, but they should not be limited to them as they should be flexible and designed to accomplish the declared policy of the Act.

The record indicates any producer who has a Base Quantity of 37,500 crates of celery or less should be exempt from being reduced by a Flow-to-Market restriction.

Such a class of producers frequently market their celery for a short period of time only during the season, while larger producers spread their marketing over most of the marketing season. A specific Flow-to-Market regulation could create an unreasonable hardship on such a producer. He may be in and out of the market before an opportunity arises to accrue any direct benefits, while the other growers, being in the market for a longer period of time, would derive benefits. Since this aspect, in theory as well as practice, could exist, and so as to give equal treatment to all producers and avoid any inequities, the order should provide that under Flow-to-Market procedures, until a producer has handled or had handled on his behalf more than 37,500 crates during the current season, he shall not be reduced by the Flow-to-Market regulations; however, he shall be limited to 100 percent of the harvest request filed by or for him for such Flow-to-Market period.

The overall mechanics for the Flow-to-Market regulations recommended have been tried under the State celery order and proved to be acceptable, understandable and workable by a majority of the industry.

One of the key aspects that should be authorized is the verification of compliance with allotments established and issued under Flow-to-Market regulations. It is important that during the entire season, as well as during the Flow-to-Market period for which such regulations are in effect, all acreages of celery shall be subject to field checking by the

Committee to determine the compliance with such regulations. It is intended that the term "field checking" should include but not necessarily be limited to details on seedbeds, fields, and blocks planted, ownership of celery in such fields and blocks, varieties planted, acres and crates harvested from such fields, pack out, and any other details. Also, no transfers of Flow-to-Market allotments, unused or otherwise, should be permitted because to do so would defeat the purpose of the provision to prevent surplus supplies of celery in the market during short periods of time.

The information required, the checking procedures to be used, the methods needed in the determinations by the Committee, the notification procedures, the status of the proprietary capacity of any person or farm operation engaged in the production or handling of celery, as well as the means and methods to determine when and how allotments have been used, and that compliance with the allotments has been practiced, should be in accordance with the rules recommended by the Committee and approved by the Secretary.

(5) The proposed amendment would renumber the existing § 967.40 to § 967.60 and add a new § 967.40(b) (2) to provide authority to "establish total holidays by restricting the handling of harvested celery during a specified period or periods. The amount to be handled under these regulations will be that quantity of harvested celery a handler has on hand at the commencement of the holiday, as reflected in required reports approved for committee use by the Secretary."

Experienced handlers testified there are times during the season for Florida celery when more celery is packed and loaded into rail cars and trucks than can be sold. Such celery may be shipped as "rollers", i.e., cars in transit that have not been sold and which are usually consigned to the shipper. A heavy shipment of rollers for just a few days can glut the markets and depress prices for Florida celery. As a result, the market becomes demoralized and celery prices may drop below the cost of production, harvesting, and packing. For example, last December the midwest terminals experienced weather so cold that it was not only difficult to move celery from the warehouses to the stores without it freezing, but conditions were so unpleasant that there was little or no store traffic. So while a minimum of celery was being absorbed in the distribution system, ideal weather in Florida was causing a bumper crop of high quality celery which needed to be harvested. To prevent adding more celery to an already saturated distribution system with no immediate prospects for improvement, it was desirable for the industry to slow up harvest by calling cutting holidays. This gave terminals a chance to clean up and weather to improve when additional supplies could be fed into the market without disrupting the price structure.

When there is practically no demand or need for celery due to environmental situations such as frozen markets in the

north, strikes, legal holidays, and transportation problems, slightly lower prices will not move the celery. Without some curtailment of harvesting there is little recovery from this condition. Conceivably this situation could arise even when a Flow-to-Market regulation was in effect. Thus it might become necessary to issue a "holiday" regulation as well. In these cases the industry needs to manage the supply for the benefit of not only the producer but the trade and the consumers as well.

A practicable approach, according to record evidence, would be the establishment of a "holiday" which would completely shut off the handling of harvested celery in the production area for a specified short period of time.

It is therefore concluded that the order be amended by renumbering the existing § 967.40 to § 967.60 and by adding § 967.40(b)(2) authorizing the establishment of "holidays".

(6) It is in the public interest not to cease all regulations when the season average price of celery exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality, in terms of grades and sizes, or both, containers, and such grading and inspection requirements, during any and all periods when the season average price for celery may be above parity, as will effectuate orderly marketing of celery such as preventing shipments of cull celery to consumers and insuring future celery production by insuring future markets for producers, as will be in the public interest. Some celery does not give consumer satisfaction regardless of the price level. Celery harvested when overmature, damaged, diseased, or deteriorated celery are examples of the type that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of such overmature celery or that lacking in the quality necessary to assure delivery in satisfactory condition could cause an adverse buyer reaction and tend to demoralize the market for later shipments of all celery. Such undesirable celery has been marketed in the past and undoubtedly would again be marketed in the absence of regulations when the season average price is above parity. Hence, the discontinuance of regulations during seasons or periods when the average price exceeds parity could adversely affect consumers and producers alike, and also result in dissipation of all benefits from prior operation of the program.

Adverse growing conditions and weather factors may cause some celery to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. Such developments depend on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality that may be made applicable during a particular year, or portion thereof,

should be established by the Secretary upon the basis of the recommendation of the committee or other available information made after review of the existing conditions that year.

(7) The Secretary should be authorized upon the basis of recommendations and information submitted by the committee to modify, suspend or terminate regulations with respect to the handling of celery for purposes other than for disposition in normal trade channels. Celery moving to or serving such outlets is usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, packs, and containers, or different prices are returned, or combinations of such considerations may apply. Such shipments usually do not have any appreciable effect on the marketing of the great bulk of celery handled in commercial markets. The order should provide authority for the committee to give appropriate consideration to the handling of celery for such purposes so that every opportunity may be taken to promote orderly marketing conditions for celery thereby tending to increase total returns to growers in the production area.

Such outlets would be for exports, for relief or charity, experimental purposes, or for other purposes which may become apparent in the future and which would be recommended by the committee and approved by the Secretary. Most shipments intended for relief or for charity are usually by the way of donation or due to some special consideration between the shipper and the receiver. Occasionally shipments are made to schools, hospitals, or other approved institutions and the committee should have authority to recommend waiving requirements in regard to these shipments in that they do not interfere with regular commercial movement. Shipments are sometimes made for experimental purposes. Many times shipments of celery are made in order to study improved varieties or improved shipping containers, or in order to develop new markets for celery. Since these studies are intended to benefit the industry as a whole, no particular purpose would be derived by the application of all the requirements of the marketing order program with respect to them.

Some export markets accept or prefer certain grades and particularly some sizes which normally are discounted for domestic markets. The order should provide for appropriate modification, suspension or termination of regulations with respect to movement of celery to export outlets so that these demands can be met and the sale of the celery grown in the production area will continue to such markets. Some overseas markets reflect distinctive demand for particular sizes of celery. The different preferences in export demand should be recognized under the order and authority provided for regulating accordingly.

Celery is not considered a volume canning or freezing crop. However, since the act specifies an exception for vegetables for canning or freezing, such statutory

exception is recognized and provided for under the terms and conditions of the order.

Other outlets or special purposes may possibly arise which are not known at this time. If it is found that such outlets are not competitive with fresh market channels the committee may recommend and the Secretary may approve that such movement should be permitted without regard to other quality or quantity regulations.

The authority for modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to provisions of such special purpose regulations. The authority for the establishment of safeguards should also include such limitations or appropriate qualifications on shipments which are necessary and incidental for proper and efficient administration of the order.

(8) Provision should be made in the order requiring all celery handled, during any period when handling limitations issued pursuant to § 967.40(b)(3) through (6) are effective, to be inspected by the Federal or Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all celery handled during periods of regulations are essential to the effective supervision of the regulations. Evidence of compliance with regulations issued under the program can be ascertained only through inspection and certification of all celery handled during the effective period of such regulation. As a handler of celery is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of celery handled for inspection and certification and to file a copy of the certificate of inspection with the committee. It was testified that handlers are familiar with the Federal and the Federal-State Inspection Service and the certification of celery in the production area, and the use of such inspection agency under this program is desired by the industry.

Responsibility for obtaining inspection and certification should fall on each person who handles celery. In this way, not only will the handler who first ships or handles celery be required to obtain inspection and certification thereof, but also no subsequent handler may handle celery unless a properly issued inspection certificate, valid pursuant to the terms of the order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is so inspected and certified.

In instances where any lot of celery previously inspected is regraded, resorted, repackaged, or in any other way subjected to further preparation for market, such celery should be required

to be inspected following such preparation and certified as meeting the requirements of the applicable regulations before such celery is handled, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

The order should provide authority for the committee to recommend and the Secretary to approve requirements that containers be labeled as to grade and size (count) when inspection requirements are in effect pursuant to §967.43. Such authority in the order is incidental to but not inconsistent with, and is necessary to effectuate its grade, size, and quality regulations. It would be vital and necessary to effectuate these and other provisions by assisting in attaining the purpose of the act.

When pack specifications are in effect, it is logical and proper that authority for labeling be included. Thus celery crates packed to specifications would be identified by affixing to the container appropriate labels, seals, stamps, or tags showing the particular pack specifications of the lot. This would help promote orderly marketing in that supermarket produce buyers and some consumers would know what they are purchasing and each quality or size would tend to sell on its own merits. The better quality and preferred sizes of celery would not be confused with the lower quality and less desirable sizes; thus a desirable price differential would tend to be maintained.

Such labeling and packing would also be desirable in any promotion program and would help build trade confidence in the quality of Florida celery.

When pack specifications and compulsory inspection are in effect, no unnecessary burden would be imposed on handlers by labeling requirements since it is a normal current practice within the production area to affix appropriate labels. This authority would also facilitate the administration and enforcement of the order, especially to verify compliance with pack regulations.

It is concluded that the inspection, certification and labeling provisions, as hereinafter set forth, should be authorized in the order.

(9) The order should provide, as hereinafter set forth, authority for the committee, with the approval of the Secretary, to establish marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of celery.

This authority to engage in marketing research and promotion projects for celery is desirable so that the industry, through these activities, can help to promote orderly marketing. The committee wishes to take advantage of the November 1965, amendment to the act that authorizes orders applicable to certain designated commodities including celery to establish any form of marketing promotion including paid advertising.

Over the past two or three decades marketing has moved toward mass merchandizing through supermarket

type of operations with centralized buying. The effect of this has been that the commodity must sell itself through appearance in the retail bins. Preselling to consumers through promotion and advertising to housewives plus in-store displays, banners, and price cards have proven to be successful in encouraging sales.

Celery must compete directly with other salad items, such as lettuce, endive and escarole. It must also compete for shelf space and for advertising attention with a host of fresh and processed vegetables and fruits, many of which are nationally advertised and promoted. It would greatly strengthen the position of Florida celery if the industry could offer the retailer not only an attractive quality product at a reasonable price, but also one backed up with industry-financed advertising and promotion.

The record shows a decline in per capita consumption of celery of over 25 percent since 1946, reaching a low of 6.7 pounds in 1966. The industry needs to arrest or better yet, reverse this trend. The Florida celery industry has been a progressive one. It has in the last decade, completely changed over to new, more attractive Utah celery varieties. These varieties are suited to promotion, as outstanding celery can be produced which is competitive with any grown in the United States. Coupled with this attractive promotable product is the means to control its quality through the proposed amendment to the order to include authority for grade, size, quality, pack, and container regulation.

Market promotion, including paid advertising, has been engaged in by the celery industry for several years under a State of Florida marketing order. The overall promotion program has been well received by the trade and has been considered successful and beneficial to the industry when evaluated by outside sources. The need exists to continue the program under the order.

The order should authorize any or all of the forms of promotion including paid advertising, that are permitted under the act.

If the committee determines that promotion or advertising should be undertaken, the cost of the program should be taken into account in budget development, both as to the additional items of expense and the assessment. In undertaking an advertising program the committee, to the extent practicable, should carefully plan and secure approval as far in advance as possible. To the extent practicable the plan should cover more than 1 year. Expenses of planning should be authorized on the basis of budgetary approval since planning and project development must precede project approval. Also, the order authorizes a financial reserve to be used for approved expenditures, under the order. Financial reserves should be available to cover costs of planning and such other costs of the promotional program as may be necessary and approved.

In formulating projects and objectives the committee should be authorized to secure the advice and services of persons

or agencies knowledgeable in the promotional and advertising field. In the conduct of any promotional program the committee should be authorized to conduct promotional projects itself, or to contract for conduct of such projects with other agencies such as universities, State marketing agencies, Federal agencies, private agencies, or others qualified in this field.

To permit the Secretary to discharge his responsibility under the order the committee should be required to submit each such project to him for approval. In submitting such projects the committee should include recommendations as to the funds to be obtained from assessments under the order, recommendations as to any marketing research projects and recommendations as to promotional activity and paid advertising. Upon the conclusion of each program, but at least annually, the committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. However, the Secretary should also have the right to request a report at any time. A similar report to the committee should be required of any contracting party on any paid advertising or major program. The committee should review its market research and development program annually to appraise its effectiveness. An annual report on the program should be made available to the industry and the Secretary.

(10) The Secretary shall make such changes as may be necessary for the entire marketing agreement and order to conform with any amendments thereto that may result from this amendment proceeding.

Amendment of the marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Celery Grown in Florida" and "Order Amending the Order Regulating the Handling of Celery Grown in Florida" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among producers who, during the period August 1, 1967, through July 31, 1968 (which is hereby determined to be a representative period for the purpose of such referendum) were engaged, in Florida, in the production of celery for market, to determine whether such producers favor the issuance of the said annexed order.

Minard F. Miller and James B. Wendland of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937 as Amended" (7 CFR Part 900.400 et seq.; 30 F.R. 15414).

The ballots used in the referendum shall contain a summary of the proposed amendments to be voted on.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the order as amended by the annexed order which will be published with this decision.

Dated: November 12, 1968.

TED J. DAVIS,
Assistant Secretary.

ORDER AMENDING THE ORDER REGULATING THE HANDLING OF CELERY GROWN IN FLORIDA

§ 967.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order, and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations, see 30 F.R. 14266.)

(a) Findings upon the basis of the hearing record. Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Orlando, Fla., on June 27-28, 1968, upon a proposed amendment of Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967) regulating the handling of celery grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of celery grown in Florida in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial

activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The said order as hereby amended is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby amended prescribes so far as practicable such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of celery grown in Florida; and

(5) All handling of celery grown in Florida is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) It is therefore ordered, That, on and after the effective date hereof, all handling of celery grown in Florida shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

1. Section 967.16 is added as follows:

§ 967.16 Grade and size.

"Grade" means any of the established grades of celery and "size" means any of the established sizes of celery stalks per crate as defined and set forth in the U.S. Standards for Celery (§§ 51.560 to 51.588, inclusive of this title) or U.S. Consumer Standards for Celery Stalks (§§ 51.595 to 51.613, inclusive of this title), issued by the U.S. Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

2. Section 967.17 is added as follows:

§ 967.17 Farm operation.

"Farm operation" means the production of celery for one or more holders of a Marketable Allotment by a single farming entity under contract or other arrangement.

3. Section 967.18 is added as follows:

§ 967.18 Flow-to-Market period.

"Flow-to-Market period" means any period or periods of one or more days which the committee may establish with the approval of the Secretary for the purposes of Flow-to-Market regulations.

§ 967.27 [Amended]

4. Section 967.27, paragraph (b) is revised by deleting subparagraph (1) and deleting "(2) For succeeding committees", in subparagraph (2).

5. Paragraph (c) of § 967.35 is deleted.

6. Section 967.35 is revised to read as follows:

§ 967.35 Marketing policy.

(a) The committee shall meet, consider and adopt a marketing policy for each season. Committee considerations shall include probable celery production within the production area and in com-

peting areas, the grade, size, quality, and quantity of celery which should be made available to market during such season to meet market requirements and establish orderly marketing conditions, and other pertinent information. On the basis of these considerations the committee shall adopt a marketing policy for such season as follows:

(1) Annual Marketable Quantity—A meeting to adopt a policy regarding the annual Marketable Quantity of celery to be marketed shall be held not later than June 15 of each year. Prior to November 1 of each year, the committee shall review such marketing policy and as changes are indicated, the committee may adopt appropriate revision.

(2) Other regulations—Prior to or at the same time initial recommendations in any season are made pursuant to § 967.40(a) the committee shall prepare a marketing policy statement concerning the necessity for such regulations.

(b) Notice of and recommendations from, the initial marketing policy for a marketing season or any later changes shall be submitted promptly to the Secretary and notice of such marketing policy shall be given to handlers, producers and other interested parties by bulletins or other appropriate media.

§§ 967.60-967.62 [Redesignated]

7. Sections 967.40 through 967.42 of the existing order are renumbered §§ 967.60 through 967.62 respectively.

OTHER REGULATIONS

8. Section 967.40 is added as follows:

§ 967.40 Issuance of other regulations.

(a) The Secretary may limit the handling of celery whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(i) Establish specific Flow-to-Market periods and limit the total quantity of celery which may be handled therein;

(ii) The committee may recommend and the Secretary may issue such rules as are necessary to effectuate the Flow-to-Market procedures and regulations.

(iii) The committee may recommend to the Secretary and the Secretary may limit in conformity with paragraph (a) of this section the total quantity of celery which is deemed advisable to be handled during any specified Flow-to-Market period or periods.

(iv) In making its recommendations, the committee shall give due consideration to the following factors:

(a) Market prices for celery; (b) supply of celery on hand at shipping point, on track at, and en route to, the principal markets; (c) supply, maturity, and condition of celery in the production area; (d) market prices and supplies of celery from competitive producing areas, and supplies of other competitive vegetables; (e) trend and level in consumer income; and (f) other relevant factors as specified by the committee in its recommendation.

This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

(iv) At any time during a Flow-to-Market period for which the Secretary has fixed the quantity of celery which may be handled, the committee may recommend to the Secretary that such quantity be increased for such period. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

(v) Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of celery which may be handled during a specified Flow-to-Market period will tend to effectuate the declared policy of the Act, he shall fix such quantity. The quantity so fixed for any such period may be increased by the Secretary at any time during such period. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

(vi) (a) At the times specified by the committee, each handler of celery shall submit to the committee, on forms to be supplied by the committee, a report setting forth the number of crates each producer or farm operation will make available to him for handling during the applicable period; and in the case of a farm operation, shall specify the number of total crates available which are to be attributed to each holder of a Marketable Allotment who is involved in the farm operation so that each holder of a Marketable Allotment is treated as an individual producer for the purposes of the Flow-to-Market regulation.

(b) Such written request and report shall be submitted at such time and in such manner and contain such other information as the committee may recommend and the Secretary approve.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(vii) (a) Whenever the Secretary has fixed the total quantity of celery that may be handled during a regulated Flow-to-Market period, the committee shall compute under a uniform rule, for each producer entitled thereto, the quantity of celery which may be handled for or purchased from him by handlers during such period. The amount to be handled under these regulations will be in addition to that quantity of harvested celery a handler has on hand at the commencement of the specified Flow-to-Market period, as reflected in required reports approved for committee use by the Secretary.

(b) The percentage obtained by dividing the quantity of crates set by the Secretary for such Flow-to-Market period by the total crates stated to be available by all handlers for such period shall be applied uniformly to the amount available for handling for each producer

to determine the maximum number of crates that may be handled by or for him during that period: *Provided*, That it is within his unused Marketable Allotment pursuant to § 967.38: *And provided further*, That until more than 37,500 crates of his production has been handled on his behalf during the current season, the handler thereof shall not have the number of crates he handles for or sells on behalf of such producer reduced by the Flow-to-Market regulation; however such handler shall be limited to 100 percent of that which was stated to be marketable in such Flow-to-Market period for that producer.

(c) For the purpose of determining compliance with Flow-to-Market limitations, a tolerance of 1 percent of an allotment holder's allowed Flow-to-Market quantity for such period or 200 crates, whichever is less, is permitted.

(viii) Verification of compliance with allotments: During any season or Flow-to-Market period for which allotment regulations are in effect, all acreage of celery included in applications for allotments shall be subject to field checking by the committee to determine compliance with allotments. Checking procedures, methods for establishing committee determinations, means for notifying handlers and other persons of the extent to which allotments have been used shall be in accordance with rules recommended by the committee and approved by the Secretary.

(2) Establish total holidays by limiting the handling of harvested celery during a specified period or periods. The amount to be handled under these regulations will be that quantity of harvested celery a handler has on hand at the commencement of the holiday, as reflected in required reports approved for committee use by the Secretary;

(3) Limit in any or all portions of the production area the handling of particular grades, sizes, qualities, containers, or packs or any combination thereof, of celery during any period; also, limit the handling of particular grades, sizes, or qualities, of celery differently, for different varieties, for different portions of the production area, for different markets, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(4) Limit the handling of celery when parity prices have been reached by establishing and maintaining minimum standards of quality and maturity in terms of grades or sizes;

(5) Require uniform inspection, grading and certification of celery and proper labeling of containers for celery to show the grade or size, or both, thereof;

(6) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be handled.

(c) Regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or on the basis of other available information;

(2) That such action is essential to provide relief from inspection, or regulations under paragraph (b) of this section, for minimum quantities less than customary commercial transactions as recommended by the committee and approved by the Secretary; or

(3) That regulations issued hereunder no longer tend to effectuate the declared policy of the Act.

9. Section 967.41 is added as follows:

§ 967.41 Handling for special purposes.

Regulations in effect pursuant to § 967.38 or § 967.40 may be modified, suspended, or terminated to facilitate handling of celery for:

- (a) Exports;
- (b) Relief or charity;
- (c) Experimental purposes; and
- (d) Other purposes which may be recommended by the committee and approved by the Secretary.

10. Section 967.42 is added as follows:

§ 967.42 Safeguards.

The committee, with the approval of the Secretary, may establish through rules such requirements as may be necessary to insure that shipments made pursuant to § 967.41 were handled and used for the purpose stated.

INSPECTION

11. Section 967.43 is added as follows:

§ 967.43 Inspection and certification.

(a) Whenever the handling of celery is regulated pursuant to § 967.40(b) (3) through (5), or at other times when recommended by the committee and approved by the Secretary, no handler shall handle celery unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 967.40(c) or paragraph (b) of this section.

(b) Regrading, resorting, or repacking any lot of celery shall invalidate any prior inspection certificate insofar as the requirements of this section are concerned. No handler shall handle celery after it has been regraded, resorted, repacked or in any way additionally prepared for market, unless such celery is inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, or repacked celery may be modified, suspended, or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Upon recommendation of the committee and approval by the Secretary, any or all celery so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of a Federal or Federal-State Inspector or the committee.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate

is valid may be established by the committee with the approval of the Secretary.

(e) When celery is inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(f) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of celery by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or other document authorized by the committee to indicate that such inspection has been performed. Such certificate or document shall be surrendered to such authority as may be designated by the committee.

MARKETING RESEARCH AND DEVELOPMENT

12. Section 967.44 is added as follows:

§ 967.44 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of celery. The expenses of such projects shall be paid by funds collected pursuant to § 967.61. Upon conclusion of each program, but at least annually, the committee shall summarize and report on the program status and accomplishments to its members and the Secretary. A similar report to the committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the committee and the Secretary. The committee shall, with the approval of the Secretary, establish criteria which will serve as a guide for it to determine what constitutes a major program.

§§ 967.70-967.73 [Redesignated]

13. Sections 967.45 through 967.48 of the existing order are renumbered §§ 967.70 through 967.73 respectively.

§§ 967.80-967.90 [Redesignated]

14. Sections 967.50 through 967.60 of the existing order are renumbered §§ 967.80 through 967.90 respectively.

[F.R. Doc. 68-13814; Filed, Nov. 14, 1968; 8:49 a.m.]

[9 CFR Part 318]

PAPRIKA OR OLEORESIN PAPRIKA IN CERTAIN PRODUCTS

Extension of Time for Filing Comments on Proposed Amendment To Prohibit Use

On October 8, 1968, there was published (33 F.R. 15027) a proposal to amend the Meat Inspection Regulations

under the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesale Meat Act, 81 Stat. 584; 21 U.S.C. 601 et seq.) to prohibit the use of paprika or oleoresin paprika in certain fresh meat and fresh meat food products.

The notice provided for interested parties to submit comments concerning the proposed amendments within 30 days after the date of publication in the FEDERAL REGISTER. Requests have been received to provide an additional period of 30 days for development of data and submission of comments regarding the proposed amendments. Therefore, notice is hereby given to provide for an extension of time for submitting comments. Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Written submissions made pursuant to this notice will be made available for public inspection at such time and place and in a manner convenient to public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 8th day of November 1968.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 68-13755; Filed, Nov. 14, 1968; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

HEALTH INSURANCE PROGRAM FOR THE AGED

Hospital Insurance Benefits

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the amendments to Subpart A, Part 405, Title 20 of the Code of Federal Regulations (the provisions of Subpart A appear at 31 F.R. 10116, July 27, 1966 and 32 F.R. 136, Jan. 7, 1967) set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the Hospital Insurance Benefits regulations were formulated for the purpose of (a) implementing the pertinent statutory provisions of the 1967 Amendments to part A of title XVIII of the Social Security Act (Public Law 90-248, Jan. 2, 1968); (b) providing guidelines for determining the accessibility requirement in emergency hospital cases; and (c) making editorial and technical modifications of a clarifying or conforming nature. The proposed § 405.191 and

§ 405.192 set forth regulatory guidelines to be applied to determinations involving the evaluation of medical factors and the accessibility requirement for coverage of emergency hospital services under the hospital insurance program of title XVIII of the Social Security Act.

Prior to final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments to the Federal Health Insurance for the Aged regulations are to be issued under the authority contained in sections 1102, 1801-1817, 1871, 49 Stat. 647, as amended, 79 Stat. 291-301, 81 Stat. 846-848, 81 Stat. 852-854, 81 Stat. 857-859; 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

Dated: September 25, 1968.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: November 4, 1968.

WILBUR J. COHEN,
Secretary of Health,
Education, and Welfare.

1. Subpart A of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as indicated in paragraph 2 through paragraph 24 below.

The table of sections for Subpart A, appearing at page 31 F.R. 10116, July 27, 1966, is to be modified as follows:

- | | |
|---------|--|
| Sec. | |
| 405.111 | Inpatient hospital services; benefit limitation during first spell of illness—inpatient of participating tuberculosis or psychiatric hospital. |
| 405.112 | Inpatient hospital services; services considered for purposes of benefit limitations. |
| 405.152 | Payment for services furnished; nonparticipating hospital furnishing emergency services. |
| 405.156 | Payment to entitled individual for services furnished by a nonparticipating hospital; inpatient admission before January 1, 1968. |
| 405.157 | Payment to entitled individual for emergency services furnished after 1967. |
| 405.158 | Payment to entitled individual; determination of amount payable for services furnished by a nonparticipating hospital. |
| 405.160 | Payment to participating hospital for inpatient hospital services; conditions for payment. |
| 405.161 | Payment for inpatient hospital services; furnished after 90- or 150-day limit or after 190-day limit. |
| 405.175 | Payment to participating hospital for outpatient hospital diagnostic services; conditions. |
| 405.191 | Emergency services; finding that an emergency existed and/or has ceased. |
| 405.192 | Emergency services; finding of accessibility. |

2. Sections 405.101—405.102 are revised to read as follows:

§ 405.101 Hospital insurance benefits; general.

(a) An individual who meets the conditions for entitlement to hospital insurance benefits provided under Part A of title XVIII of the Act is eligible to have payment made on his behalf, or to him (for certain hospital services) subject to the conditions and limitations set out in this Part 405 and in the Act, for:

(1) Inpatient hospital services, post-hospital extended care services, and posthospital home health services furnished to him during any month for which he meets such conditions for entitlement to hospital insurance benefits; and

(2) Outpatient hospital diagnostic services furnished to him during any month before April 1968, for which he meets such conditions for entitlement to hospital insurance benefits. Effective with services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is transferred from this Subpart A to the supplementary medical insurance benefits plan described in Subpart B of this Part 405.

(b) Except where payment may be made to the individual for certain hospital services (see §§ 405.156 and 405.157), payment for the services covered under the hospital insurance benefits program is made to the institution or agency eligible to receive payment rather than to the individual to whom the services are furnished.

§ 405.102 Conditions for entitlement to hospital insurance benefits.

An individual is entitled to hospital insurance benefits under the provisions described in this Subpart A if such individual has attained age 65 and:

(a) Is entitled to monthly insurance benefits under section 202 of the Act as described in Subpart D of Part 404 of this chapter, or

(b) Is a qualified railroad retirement beneficiary as defined in § 404.368 of Part 404 of this chapter, or

(c) Is deemed entitled to monthly insurance benefits under section 202 of the Act, solely for purposes of entitlement to hospital insurance benefits, as described in § 404.370 of Part 404 of this chapter.

3. In § 405.103, paragraph (a) is revised to read as follows:

§ 405.103 Duration of entitlement to hospital insurance benefits.

(a) An individual is entitled to hospital insurance benefits beginning with the first day of the first month after June 1966, for which he meets the conditions described in § 405.102; except that no payment may be made under this Subpart A for:

(1) Posthospital extended care services furnished before January 1, 1967;

(2) Posthospital extended care services or posthospital home health services unless the discharge from the hospital required to qualify such services for payment under this Subpart A occurred after June 30, 1966, or, on or after the

first day of the month in which he attains age 65, whichever is later; and

(3) Outpatient hospital diagnostic services furnished on or after April 1, 1968. (With respect to outpatient hospital diagnostic services furnished on or after such date—see Subpart B of this part.)

4. Sections 405.110—405.113 are revised to read as follows:

§ 405.110 Inpatient hospital services; scope of benefits.

(a) *Benefits.* An individual who meets the requirements set forth in § 405.102 is eligible to have payment made on his behalf to a participating hospital (see Subpart J of this Part 405 and § 405.150), subject to the conditions and limitations contained in this Part 405 and title XVIII of the Act, for:

(1) Inpatient hospital services (see § 405.115) furnished to him for up to 90 days during a spell of illness; plus (with respect to inpatient hospital services furnished after December 31, 1967, during such spell of illness):

(2) An additional 60 days—less one day for each day of inpatient hospital services in excess of 90 days received during any preceding spell of illness. The individual has the option of electing by a signed statement not to have payment made for such additional days of inpatient hospital services furnished him after he has received benefits for 90 days of such services in a spell of illness. Payment may be made for such additional days unless the provider furnishing such services has on record the individual's signed election not to have payment made for such services.

(b) *Deductible and coinsurance amounts.* Payments for inpatient hospital services furnished during any spell of illness is reduced by the amount of the applicable deductibles (see §§ 405.113 and 405.114) and, in addition, by any applicable coinsurance amount (see § 405.115).

(c) *Benefit limitation for spell of illness.* (1) No payment under this section for inpatient hospital services furnished an individual during a spell of illness which ends on or before December 31, 1967, may be made for any such services furnished to him after the 90th day such services have been furnished to him during such spell of illness (see § 405.161 for exception); and

(2) No payment under this section for inpatient hospital services furnished an individual during a spell of illness which begins, or is continuing after December 31, 1967, may be made for any such services furnished to him after the 150th day (less 1 day for each day of inpatient hospital services in excess of 90 days received during any preceding spell of illness) that such services have been furnished to him during such spell of illness (see § 405.161 for exception).

(d) *Lifetime maximum on inpatient psychiatric hospital services.* Notwithstanding the preceding provisions of this section, no payment for inpatient psychiatric hospital services (see Sub-

part J of this part) may be made for any such services furnished an individual after the 190th day such services have been furnished to him during his lifetime (see § 405.161 for exception).

§ 405.111 Inpatient hospital services; benefit limitation during first spell of illness—inpatient of participating tuberculosis or psychiatric hospital.

Subject to the provision that the benefit limitation described in this section shall not apply with respect to inpatient tuberculosis hospital services furnished to an individual after December 31, 1967:

(a) *Date of entitlement on or after January 1, 1968; inpatient of psychiatric hospital on first day of entitlement.* If an individual is an inpatient of a participating psychiatric hospital on the first day for which he is entitled to hospital insurance benefits (see § 405.103) and becomes entitled to such benefits on or after January 1, 1968, the days (not necessarily consecutive) on which he was an inpatient of a psychiatric hospital in the 150-day period immediately before such first day are deducted from the 150 days of inpatient hospital services for which he is otherwise entitled to have payment made during his first spell of illness, where such services are furnished to him in a psychiatric hospital or in a hospital (other than a tuberculosis hospital) in which the individual was an inpatient primarily for the diagnosis or treatment of mental illness. Thus, the benefit limitation described in this paragraph will not apply to inpatient hospital services furnished in a tuberculosis hospital or to such services furnished in a hospital (other than a psychiatric hospital) that are not primarily for the diagnosis or treatment of mental illness.

(b) (1) *Date of entitlement prior to 1968; inpatient of psychiatric or tuberculosis hospital on first day of entitlement.* Subject to the provisions of the succeeding subparagraphs of this paragraph, if an individual was an inpatient of a participating tuberculosis or psychiatric hospital on the first day for which he is entitled to hospital insurance benefits and was entitled to such benefits before January 1, 1968, the days (not necessarily consecutive) on which he was an inpatient of a psychiatric or tuberculosis hospital in the 90-day period immediately before such first day are deducted from the 90 days of inpatient hospital services for which he is otherwise entitled to have payment made during his first spell of illness.

(2) *First spell of illness is continuing after December 31, 1967; inpatient of participating tuberculosis hospital upon entitlement.* An individual who after December 31, 1967, is still in his first spell of illness and was subject to a reduction in benefit days prior to 1968 under subparagraph (1) of this paragraph because he was in a participating tuberculosis hospital at the time of entitlement to hospital insurance benefits will have those days restored for any inpatient hospital services furnished to him after December 31, 1967. The benefit limitation will not apply to services furnished

after 1967, to an individual who at the time of entitlement was an inpatient of a participating tuberculosis hospital. Thus, such an individual is eligible on January 1, 1968, for up to 150 days of any inpatient hospital services in his first spell of illness.

(3) *First spell of illness is continuing after December 31, 1967; inpatient of a psychiatric hospital upon entitlement.* An individual who after December 31, 1967, is still in his first spell of illness and was subject to a reduction in benefit days prior to 1968 under subparagraph (1) of this paragraph because he was in a participating psychiatric hospital at the time of entitlement to hospital insurance benefits may be entitled to additional benefit days for inpatient hospital services furnished on or after January 1, 1968:

(i) On January 1, 1968, such individual becomes eligible for 60 additional days of inpatient hospital services. (see § 405.110). Before these days can be used to pay for inpatient hospital services furnished to such individual by a psychiatric hospital, or for such services furnished by a hospital (other than a psychiatric or tuberculosis hospital) which are primarily for the diagnosis or treatment of mental illness, those days on which he was an inpatient of a psychiatric hospital from the 91st to the 150th day of the 150-day period preceding the first day for which he became entitled to hospital insurance benefits will be subtracted from the 60 additional days available for use in such first spell of illness. For inpatient hospital services furnished prior to 1968, the number of benefit days available to such individual during his first spell of illness was determined on the basis of the 90-day period immediately preceding the first day of entitlement to hospital insurance benefits in accordance with subparagraph (1) of this paragraph. Payment for inpatient hospital services furnished to the individual on or after January 1, 1968, by a hospital (other than a tuberculosis hospital) for such services which are primarily for the treatment or diagnosis of mental illness, or for such services furnished by a psychiatric hospital, will be made for any days still payable under such prior determination and then for any of the 60 additional days available as determined in accordance with the provisions of this paragraph. (However, a new determination for the 90-day preentitlement period will be required if tuberculosis hospital days were included in the prior determination. See subdivision (iii) of this subparagraph);

(ii) Payment for inpatient hospital services furnished on or after January 1, 1968, to such individual by a hospital (other than a psychiatric hospital) for such services which are primarily for the diagnosis or treatment of a condition other than mental illness, or for such services furnished by a tuberculosis hospital in his first spell of illness, may be made for any unused benefit days. Plus, the number of days for which the beneficiary's eligibility was previously reduced; plus, the 60 additional days available under § 405.110; and

(iii) Days spent by such individual in a tuberculosis hospital in the preentitlement period do not count as reduction days for inpatient hospital services received after 1967, and such days are restored. This applies not only for an individual who was in a tuberculosis hospital when he became entitled but also for an individual who was in a psychiatric hospital at the time of entitlement after having spent some of his preentitlement days in a tuberculosis hospital.

(c) *Charging deduction days.* In reducing the number of days for which an individual is entitled to have payment made for inpatient hospital services, days subject to deduction (as determined in accordance with the provisions of paragraphs (a) and (b) of this section) are charged in the following order:

(1) Those days after the 90th and before the 150th days for which such individual is entitled to have payment made during such spell of illness;

(2) Those days after the 60th day and before the 91st day for which such individual is entitled to have payment made for such services during such spell of illness; and

(3) Those days before the 61st day for which such individual is entitled to have payment made for such services during such spell of illness.

(d) *Limitation on application of deduction.* Notwithstanding the preceding provisions of this section, days preceding the first day for which an individual is entitled to hospital insurance benefits (see § 405.103), are not counted in determining the 190-day lifetime limit on inpatient psychiatric hospital services (see § 405.110(d)), and are not counted in determining the first day for which the coinsurance amount is deducted from payment for inpatient hospital services (see § 405.115).

EXAMPLE 1: B is an inpatient of a participating psychiatric hospital on July 1, 1966, the first day for which he is entitled to hospital insurance benefits, and has been an inpatient of such hospital for the 2 years immediately preceding July 1, 1966. If B's first spell of illness ends on or before December 31, 1967, no payment will be made for inpatient hospital services furnished to B during that spell of illness. However, if B's first spell of illness is continuing after December 31, 1967, he will be eligible, with respect to services furnished after such date, to have payment made for up to 150 days of inpatient hospital services during such spell of illness if the services are furnished to him by a tuberculosis hospital (see § 405.111(b)) or, if furnished to him by a hospital other than a psychiatric or tuberculosis hospital, are not primarily for the diagnosis or treatment of a mental illness.

EXAMPLE 2: C entered a participating tuberculosis hospital on August 12, 1966, and is still an inpatient of such hospital 50 days later on October 1, 1966, the first day for which he is entitled to hospital insurance benefits. Payment may be made for up to 40 days of inpatient hospital services since C had been an inpatient of the tuberculosis hospital for 50 days preceding the first day for which he was entitled to hospital insurance benefits. However, the 50 days preceding October 1, 1966, is not counted in determining the 60 days of coverage and, therefore, the coinsurance amount (see § 405.115) is not applicable with respect to

any payment for the 40 days of services for which C is entitled to have payment made on his behalf with respect to services furnished before 1968. If C's first spell of illness is continuing after December 31, 1967, the 50 days subject to deduction will be restored to him and he will be eligible, with respect to services furnished after such date, to have payment made for up to 110 additional days of inpatient hospital services during such spell of illness (i.e., the restored 50 days plus the 60 additional days of entitlement—see § 405.110(a)). The coinsurance amounts discussed in § 405.115 would, of course, be applicable with respect to such services furnished after the 60th day in this spell of illness (see § 405.111(b)).

EXAMPLE 3: D is a patient of an institution that is not a qualified psychiatric hospital on August 1, 1966, the first day for which he is entitled to hospital insurance benefits, and has been a patient of the nonqualifying hospital for the 1 year preceding August 1, 1966. Several days later D is transferred to a participating psychiatric hospital. Payment may be made (with respect to services furnished before 1968) for up to 90 days of inpatient hospital services after such transfer since inpatient hospital services received in a nonqualifying hospital in the period preceding entitlement are not considered for the purposes of determining the spell of illness limitation. If D's first spell of illness is continuing after December 31, 1967, he will be eligible, with respect to services furnished after such date, to have payment made for an additional 60 days of inpatient hospital services (including inpatient psychiatric hospital services) during such spell of illness (see § 405.110).

§ 405.112 Inpatient hospital services; services considered for purposes of benefit limitations.

(a) For purposes of determining the 90-day or 150-day benefit limitation described in § 405.110(c), or § 405.111, or the 190-day benefit limitation described in § 405.110(d), inpatient hospital services are taken into account only if one or more of the following conditions apply to such services:

(1) Payment is made with respect to such services;

(2) Payment would be made for such services except for failure to comply with the request and certification requirements described in § 405.152 or § 405.160; or

(3) Payment cannot be made for such services because of the deductible or coinsurance requirements described in §§ 405.113 and 405.115.

(b) Notwithstanding the provisions of paragraph (a) of this section, days after the 90th day on which an individual is furnished inpatient hospital services during a spell of illness are not taken into account in determining the benefit limitation discussed in this section, if the individual has elected not to have payment made for such days (see § 405.110(a)(2)) or the daily charge for such days is equal to or less than the applicable coinsurance amount (see § 405.115(a)(2)).

§ 405.113 Inpatient hospital services; deductible.

(a) *Spell of illness beginning prior to 1969.* The amount payable for inpatient hospital services (see §§ 405.150, 405.151, and 405.158) furnished to an individual during any spell of illness beginning prior

to 1969 is reduced (but not below zero) by an amount equal to the lesser of:

- (1) \$40; or
 - (2) The charges imposed with respect to such services or the customary charges for such services, whichever is greater.
- (b) *Spell of illness beginning after 1968.* Between July 1 and October 1 of 1968, and of each year thereafter, the Secretary shall determine the amount of the inpatient hospital deductible which shall be applicable in the case of any spell of illness beginning during the succeeding calendar year.

5. Section 405.115 is revised to read as follows:

§ 405.115 Inpatient hospital services; coinsurance amount.

(a) In any case in which an individual is furnished inpatient hospital services for more than 60 days during a spell of illness beginning before 1969, the amount payable (see §§ 405.150, 405.151, and 405.158), for the inpatient hospital services furnished after such 60th day during such spell of illness, is reduced by a coinsurance amount equal to:

(1) \$10 for each day (or the actual charge when charges are less than \$10 a day), after the 60th day and before the 91st day, on which he is furnished such services; plus (with respect to such services furnished after December 1967, during such spell of illness):

(2) \$20 for each day after the 90th day and before the 151st day on which he is furnished such services.

(b) Since the inpatient hospital services coinsurance amount is set by law at one-fourth (for days after the 60th day and before the 91st day) and one-half (for entitlement days after the 90th day) of the inpatient hospital services deductible, the coinsurance amount applicable for spells of illness beginning after 1968 will reflect any adjustment made in the deductible (see § 405.113(b)).

6. In § 405.116, paragraphs (b), (d), and (e) are revised to read as follows:

§ 405.116 Inpatient hospital services; defined.

(b) *Bed and board.* The reasonable costs are payable in full for hospital room and board furnished an individual in accommodations containing from two to four beds, or in hospitals in which all accommodations are on a ward basis and charges are not related to the number of beds in a room. The reasonable cost of private accommodations is covered in full only where their use is medically indicated, ordinarily only when a patient's condition requires him to be isolated or when an individual (in need of immediate inpatient hospital care but not requiring isolation) is admitted to a hospital which has no semiprivate or ward accommodations, or at a time when such accommodations are occupied. The reasonable cost of private accommodations will be paid in such cases until the individual's condition does not require him to be isolated or, in the case of the individual not requiring

isolation, semiprivate accommodations are available. Where private accommodations are furnished for a patient's comfort, the amount payable under this Subpart A may not exceed the reasonable cost of accommodations containing from two to four beds. Where accommodations less expensive than available accommodations containing from two to four beds are furnished a patient and the use of these accommodations was neither at the request of the patient nor for a reason consistent with the purposes of the Act, the amount payable for bed and board is whichever is less, the reasonable cost of such accommodations, or the reasonable cost of two to four bed accommodations minus the difference between the customary charges for such accommodations and the customary charges for the accommodations furnished.

(d) (1) *Drugs and biologicals.* Drugs and biologicals are included as inpatient hospital services only if they:

(i) Represent a cost to the hospital in rendering such services;

(ii) Are furnished to an inpatient for use in the hospital or, with respect to a limited supply required until the patient can obtain a continuing supply, are deemed medically necessary to permit or facilitate the patient's departure from the hospital; and

(iii) Are ordinarily furnished by such hospital for the care and treatment of inpatients.

(2) *Supplies, appliances, and equipment.* Supplies, appliances, and equipment are included as inpatient hospital services only:

(i) If ordinarily furnished by such hospital for the care and treatment of inpatients, and;

(ii) If furnished to an inpatient for use in the hospital, except in the case of a temporary or disposable item provided to an inpatient for use beyond his hospital stay which is medically necessary to permit or facilitate the patient's departure from the hospital and which is required until such time as the patient can obtain a continuing supply, or in cases where it would be unreasonable or impossible from a medical standpoint to discontinue the patient's use of the item at the time of termination of his stay as an inpatient. (For example, tracheostomy or draining tubes, or cardiac valves and cardiac pacemakers.)

(e) *Diagnostic or therapeutic items or services.* Diagnostic or therapeutic items or services other than those provided for in paragraphs (c), (d), and (f) of this section, are considered as inpatient hospital services if furnished by the hospital, or by others under arrangements made by the hospital under which the billing for such services is made through such hospital and if such services are of a kind ordinarily furnished to inpatients either by such hospital or by others under such arrangements.

7. In § 405.120, paragraphs (a), (b) (2), and (d) are revised to read as follows:

§ 405.120 Posthospital extended care services; scope of benefits.

(a) *Benefits and conditions for entitlement.* (1) An individual who meets the requirements described in § 405.102, is eligible to have payment made on his behalf to a participating extended care facility (see § 405.150) for up to 100 days of extended care services (§ 405.124) furnished to him in a spell of illness if he is admitted to such extended care facility within 14 days (as defined in paragraph (d) of this section) after his discharge from a hospital in which he was an inpatient for not less than 3 consecutive calendar days (as defined in paragraph (c) of this section) and such discharge occurred on or after the first day of the month in which the individual attained age 65, or after June 30, 1968, whichever is later.

(2) For purposes of this section the term "hospital," with respect to hospital discharges occurring on or before December 31, 1967, means a hospital (including a psychiatric or tuberculosis hospital) which meets the requirements of paragraphs (1), (2), (3), (4), (5), and (7) of section 1861(e) of the Act, whether or not it meets the requirements of paragraphs (6) and (8) thereof (see § 405.1001). A nonparticipating psychiatric or tuberculosis hospital need not meet the special requirements which apply to psychiatric and tuberculosis hospitals (see §§ 405.1036-405.1040). With respect to hospital discharges occurring on or after January 1, 1968, such term shall mean a hospital (including a psychiatric or tuberculosis hospital) which meets the requirements described in § 405.152(a) (1).

(b) *Services for which payment is not made.* * * *

(2) Where an individual who has been furnished posthospital extended care services is discharged from the extended care facility, no payment may be made for any subsequent extended care services furnished during such spell of illness unless he is again hospitalized for at least 3 consecutive days and the other conditions in paragraph (a) of this section are met; however, for purposes of this subparagraph, an individual is not deemed to have been discharged from an extended care facility in which he has been receiving posthospital extended care services, if, within 14 days (as defined in paragraph (d) of this section) after discharge therefrom, he is readmitted to the same, or any other, participating extended care facility.

(d) *Fourteen-day period; defined.* For the purposes of paragraphs (a) and (b) of this section, "within 14 days" means the period of 14 consecutive calendar days (including Saturdays, Sundays, legal holidays, and days, all or part of which are declared to be a nonworkday for Federal employees by statute or Executive order) beginning with the calendar day following the day of discharge from the hospital or extended care facility, as appropriate.

6. Section 405.122 is revised to read as follows:

§ 405.122 Posthospital extended care services; services considered for purposes of limitation on days of coverage.

For purposes of the limitation on days of coverage (see §§ 405.120(b) and 405.121), extended care services furnished an individual are taken into account only if one or more of the following conditions apply to such services:

(a) Payment is made with respect to such services;

(b) Payment would be made except for failure to comply with the request for payment and certification requirements described in § 405.165; or

(c) Payment cannot be made for such services because of coinsurance requirements described in § 405.124.

9. In § 405.124, paragraph (a) is revised to read as follows:

§ 405.124 Posthospital extended care services; coinsurance amount.

(a) *Spell of illness beginning before 1969.* In any case in which an individual is furnished posthospital extended care services for more than 20 days during a spell of illness beginning before 1969, the amount payable for posthospital extended care services furnished after such 20th day is reduced by a coinsurance amount equal to \$5 for each day (or the actual charge when charges are less than \$5 a day) such services are furnished after the 20th day and before the 101st day on which he is furnished such services during such spell of illness.

10. In § 405.125, paragraphs (a) (6), (a) (7), (c), (d), (e), and (f) are revised to read as follows:

§ 405.125 Extended care services; defined.

(a) *Items and services included.*

(6) Medical services provided by an intern or resident-in-training;

(7) Diagnostic or therapeutic services; and

(c) *Bed and board.* Posthospital extended care facility bed and board is covered in full in accommodations containing two to four beds and in extended care facilities in which all accommodations are on a ward basis and charges are not related to the number of beds in a room. Private accommodations are covered in full only where their use is medically indicated, ordinarily when the patient's condition requires him to be isolated. Where private accommodations are furnished for the patient's comfort and their use is not medically indicated, only the reasonable cost of accommodations containing two to four beds is payable under this Subpart A. Where accommodations less expensive than accommodations containing two to four beds are furnished a patient and the use of these accommodations was neither at the request of the patient nor for a reason consistent with the purposes of the Act, the

amount payable for bed and board (not to exceed the reasonable cost of such accommodations) is the reasonable cost of two to four bed accommodations minus the difference between the customary charges for such accommodations and the customary charges for the accommodations furnished.

(d) *Physical, occupational or speech therapy.* Physical, occupational or speech therapy services are considered as extended care services if furnished by the extended care facility or if furnished by others under arrangements with them made by the facility under which the billing for such services is through such extended care facility.

(e) (1) *Drugs and biologicals.* Drugs and biologicals are included as extended care services only if they:

(i) Represent a cost to the extended care facility in rendering such services;

(ii) Are furnished to an inpatient for use in the extended care facility or, with respect to a limited supply required until the patient can obtain a continuing supply, are deemed medically necessary to permit or facilitate the patient's departure from the extended care facility; and

(iii) Are ordinarily furnished by such extended care facility for the care and treatment of inpatients.

(2) *Supplies, appliances, and equipment.* Supplies, appliances, and equipment are included as extended care services only:

(i) If ordinarily furnished by such extended care facility for the care and treatment of inpatients, and;

(ii) If furnished to an inpatient for use in the extended care facility except in the case of a temporary or disposable item provided to an inpatient for use beyond his stay which is medically necessary to permit or facilitate the patient's departure from the extended care facility and which is required until such time as the patient can obtain a continuing supply, or in cases where it would be unreasonable or impossible from a medical standpoint to discontinue the patient's use of the item at the time of termination of his stay as an inpatient. (For example, a brace temporarily attached to the patient's body while he is receiving treatment as an inpatient and which is needed to facilitate departure from the extended care facility.)

(f) *Medical services provided by an intern or resident-in-training.* Medical services provided by an intern or resident-in-training are included as extended care services if provided by an intern or resident-in-training of a hospital with which the extended care facility has in effect an agreement for the transfer of patients and exchange of medical records (see § 405.1133), and under a teaching program of such hospital approved in accordance with the provisions described in § 405.116(f).

11. In § 405.131, paragraphs (a), (c), and (d) are revised to read as follows:

§ 405.131 Posthospital home health services; benefits provided.

(a) To an individual who is under the care of a physician (other than a doctor of podiatry or surgical chiropody);

(c) Within the 1-year period after the individual's most recent discharge from a hospital (as defined in § 405.120 (a) (2)) in which he was an inpatient for at least 3 consecutive days (see § 405.120 (c)), or, if later, after his most recent discharge from an extended care facility in which he was an inpatient and entitled to have payment made for services furnished therein;

(d) Under a plan of treatment, established and periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody), which was established within 14 days after the date of the individual's discharge specified in paragraph (c) of this section; and

12. Sections 405.141—405.142 are revised to read as follows:

§ 405.141 Outpatient hospital diagnostic services; conditions.

(a) An individual who meets the requirements set forth in § 405.102, is eligible to have payment made on his behalf to a participating hospital (or under the conditions described in §§ 405.152, 405.153, or 405.157) for outpatient hospital diagnostic services (described in § 405.145) furnished to him on or before March 31, 1968, if such items and services:

(1) Are furnished during a diagnostic study (see § 405.144);

(2) Are furnished to him on an outpatient basis;

(3) Are furnished by the hospital or if furnished by others under arrangements made by the hospital, are furnished in the hospital or in other facilities operated by or under the supervision of the hospital or its organized medical staff; and

(4) Are of the type ordinarily furnished by the hospital (or by others under such arrangement described in subparagraph (3) of this paragraph) to the hospital's outpatients for the purposes of diagnostic study.

(b) Diagnostic tests and services furnished on or before March 31, 1968, may also be covered as "medical and other health services" under the supplementary medical insurance benefits plan (see Subpart B of this part if they could not be covered under this Subpart A.

§ 405.142 Outpatient hospital diagnostic services; deductibles.

Any payment under this Subpart A for outpatient hospital diagnostic services furnished during a diagnostic study (see § 405.144) beginning before April 1, 1968, is reduced by:

(a) \$20; plus

(b) 20 percent of the reasonable cost for such services in excess of \$20.

13. Sections 405.144—405.145 are revised to read as follows:

§ 405.144 Outpatient hospital diagnostic services; diagnostic study defined.

(a) Subject to the provisions of paragraph (b) of this section, a "diagnostic

study" for purposes of §§ 405.141 and 405.142 consists of the outpatient hospital diagnostic services provided by (or under arrangements made by) the same hospital during the 20-day period beginning on the first day (not included in a previous diagnostic study) on which the individual meets the requirements described in § 405.102 and on which he is furnished outpatient hospital diagnostic services. The tests and procedures furnished for the purpose of a diagnostic study need not be related to a single illness or condition.

(b) All diagnostic study periods beginning on or after March 12, 1968, and before April 1, 1968, will end as of March 31, 1968, subject to the applicable deductible described in § 405.142.

§ 405.145 Outpatient hospital diagnostic services; defined.

(a) The term "outpatient hospital diagnostic services" includes diagnostic services if furnished under the conditions described in § 405.141. Services of a physician (except services of interns and residents under approved teaching programs—see § 405.522) are excluded. Also excluded are any items or services which would not be included as an "inpatient hospital service" as enumerated in § 405.116 if furnished to an inpatient of a hospital.

(b) Effective with services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is transferred from this Subpart A to the supplementary medical insurance benefits plan described in Subpart B of this part.

14. Sections 405.150–405.152 are revised to read as follows:

§ 405.150 Payment for services furnished; general.

Amounts payable under the provisions described in this Subpart A for inpatient hospital services, posthospital extended care services, posthospital home health services or outpatient hospital diagnostic services furnished to an individual are payable, except as provided in §§ 405.152, 405.153, 405.156, and 405.157, only to a participating provider of services, that is, a provider which has entered into an agreement with the Secretary under the conditions described in Subpart F of this Part 405.

§ 405.151 Payment for services furnished; determination of amount payable based on reasonable cost.

The amount payable to any provider (and under the provisions described in §§ 405.152 and 405.153) with respect to services for which payment may be made under this Subpart A is, subject to the provisions for reducing such payment (see §§ 405.113, 405.114, 405.115, 405.123, 405.124, and 405.142), based on the reasonable cost of such services. The method of determining "reasonable cost" is discussed in Subpart D of this Part 405.

§ 405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.

(a) Payment (in amounts as determined in accordance with § 405.151) may

be made to a hospital even though the hospital is not a participating provider (i.e., it has not entered into an agreement with the Secretary, pursuant to section 1866 of the Act—see § 405.606) if:

(1) The hospital meets the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)), and:

(i) Is primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e) (1); and

(ii) Is not primarily engaged in providing the services described in section 1861(j) (1) (A) (see § 405.1101(a));

(2) The services furnished are emergency services (see paragraph (b) of this section) furnished an individual who meets the requirements of § 405.102;

(3) The services are furnished by the hospital or by others under an arrangement made by the hospital;

(4) The hospital agrees to comply, with respect to the services furnished, with the provisions of Subpart F of this Part 405 regarding the charges for such services which may be imposed on the individual or any other person, and the return of any money incorrectly collected;

(5) The hospital has filed and the Administration has accepted (with respect to services furnished after December 31, 1967), the hospital's election to claim payment from the health insurance program for all emergency services furnished in a calendar year under title XVIII of the Act (see § 405.658);

(6) Written request for payment is filed by, or on behalf of the individual to whom such services were furnished;

(7) Payment for the services would have been made if an agreement under § 405.606 had been in effect with the hospital and the hospital otherwise met the conditions for payment;

(8) The hospital's claim for payment is filed with the Administration and is accompanied (attached thereto or as part thereof) by a physician's statement describing the nature of the emergency and stating that the emergency services rendered were necessary to prevent the death of the individual or the serious impairment of his health. The statement must be sufficiently comprehensive to support a finding (see § 405.191) that an emergency existed. Where the hospital files a second or subsequent claim with respect to such emergency situation, such second or subsequent claim must be accompanied by a physician's statement containing sufficient information to indicate clearly that the emergency situation still existed. When inpatient hospital services are involved, an initial or subsequent physician's statement (as appropriate) must include the date when, in the physician's judgment, the emergency ceased.

(b) For purposes of the hospital insurance benefits program, "emergency services" are those inpatient hospital services (see § 405.116) and outpatient hospital diagnostic services (furnished

before April 1968—see § 405.145) which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital (see § 405.192) available and equipped to furnish such services. (With respect to outpatient hospital services furnished on or after April 1, 1968—see § 405.249.)

15. In § 405.153, paragraph (c) is revised to read as follows:

§ 405.153 Payment for services; hospital outside the United States furnishing emergency services.

(c) The conditions set forth in § 405.152(a) (4) and (7) are met.

16. Sections 405.156–405.158 are added to read as follows:

§ 405.156 Payment to entitled individual for services furnished by a nonparticipating hospital; inpatient admission before January 1, 1968.

(a) Subject to the conditions and limitations in the succeeding paragraphs of this section an individual may, with respect to an inpatient hospital admission before January 1, 1968, receive payment (see § 405.158) on the basis of an itemized hospital bill for inpatient hospital services furnished by (or under arrangements made by) a hospital after June 1966, if at the time such services were furnished:

(1) The individual met the conditions for entitlement to hospital insurance benefits under the provisions described in this Subpart A (see § 405.102);

(2) The hospital did not have an agreement in effect pursuant to the provisions of § 405.606 (relating to provider agreements for participation in the health insurance program) but would have been eligible, subject to the conditions and limitations set out in this Part 405 and title XVIII of the Act, to receive payment with respect to such services if at the time such services were furnished the hospital had such an agreement in effect;

(3) The hospital met the requirements of section 1861(e) (5) and (7) of the Act (see § 405.1001(a)) and (i) was primarily engaged in providing under the supervision of a doctor of medicine or osteopathy the services described in section 1861(e) (1) and (ii) was not primarily engaged in providing the services described in section 1861(j) (1) (A) of the Act (see § 405.1101(a));

(4) The hospital did not meet the requirements that must be met to permit payment to be made to the hospital under the provisions of this Subpart A; and

(5) Written application for payment is filed with the Administration before January 1, 1969, by or on behalf of the individual to whom the services were furnished.

(b) Benefits may be paid to an individual pursuant to paragraph (a) of this section for:

(1) 20 days of inpatient hospital services furnished during a spell of illness, less 1 day for each day in excess of 70

days for which the individual is otherwise entitled to have payment made under this Subpart A during such spell of illness; or

(2) 90 days of inpatient hospital services furnished during a spell of illness, less 1 day for each day for which the individual is otherwise entitled to have payment made under this Subpart A during such spell of illness, but only if the hospital furnishing such services enters into an agreement pursuant to § 405.606 before January 1, 1969, and furnishes to the Administration (with respect to the individual's application for payment) a determination pursuant to the hospital's utilization review plan (see § 405.1035) regarding the need for more than 20 days of inpatient hospital services during such spell of illness.

(c) Benefits may not be paid to an individual pursuant to paragraph (a) of this section for expenses incurred for items or services that are paid for directly, or indirectly, by any governmental entity (e.g., services which have been paid for by a public welfare plan or program, or services furnished by a Federal hospital).

§ 405.157 Payment to entitled individual for emergency services furnished after 1967.

An individual entitled to hospital insurance benefits (see § 405.102) may receive payment on the basis of an itemized hospital bill (see § 405.158) for inpatient hospital services furnished with respect to an admission to the hospital on or after January 1, 1968, and for outpatient hospital diagnostic services furnished on or after January 1, 1968, and before April 1, 1968, if:

(a) The services are furnished by a nonparticipating hospital and would otherwise constitute emergency services for which payment may be made under the provisions of § 405.152, if such hospital had filed, and the Administration had accepted, the hospital's election to claim payment for all such emergency services; and

(b) Written application for payment is filed with the Administration by, or on behalf of, the individual to whom the services were furnished.

§ 405.158 Payment to entitled individual; determination of amount payable for services furnished by a nonparticipating hospital.

(a) *Inpatient hospital services.* (1) The amount payable to any individual with respect to payment under this Subpart A for inpatient hospital services (including emergency inpatient services) furnished by a nonparticipating hospital (see §§ 405.156 and 405.157) is, subject to the provisions of §§ 405.113 through 405.115 for reducing such payment, equal to 60 percent of the hospital's reasonable charges for routine services furnished in accommodations occupied by the individual, or in accommodations containing from two to four beds, whichever is less; plus

(2) 80 percent of the reasonable charges for ancillary services. If the hospital does not make separate charges for

such routine and ancillary services, payment (subject to the applicable deductions) will be equal to two-thirds of the hospital's reasonable charges for the inpatient services received, not to exceed charges based on accommodations containing from two to four beds.

(b) *Emergency outpatient hospital diagnostic services.* The amount payable to any individual with respect to payment under this Subpart A for emergency outpatient hospital diagnostic services furnished by a nonparticipating hospital on or after January 1, 1968, and before April 1, 1968 (see § 405.157) is, subject to the provisions of § 405.142 for reducing such payment, equal to 80 percent of the hospital's reasonable charge for such services.

(c) *Routine and ancillary services; defined.* For purposes of this section the term "routine services" means the regular room, dietary and nursing services, minor medical and surgical supplies, and the use of equipment and facilities for which a separate charge is not customarily made. Charges for two to four bed accommodations or the accommodations occupied, whichever is less, will be the basis for the routine charges allowed. The term "ancillary services" means those covered special services for which charges are customarily made over and above those for routine services.

17. In § 405.160, paragraphs (a), (1), (2), (b), (1), (2), (c), (1), and (2) are revised to read as follows:

§ 405.160 Payment to participating hospital for inpatient hospital services; conditions for payment.

(a) *Inpatient hospital services.* Payment may be made to a participating hospital for inpatient hospital services (other than inpatient psychiatric or tuberculosis hospital services) furnished an individual if:

(1) Written request for payment is filed by, or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such inpatient hospital services were required to be given on an inpatient basis for the individual's medical treatment, or that inpatient diagnostic study was medically required and the services were necessary for such purpose; and

(b) *Inpatient psychiatric hospital services.* Payment may be made to a participating hospital for inpatient psychiatric hospital services furnished an individual if:

(1) Written request for payment is filed by, or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such inpatient psychiatric hospital services were required to be given on an inpatient basis, by or under the supervision of a physician, for the psychiatric treatment of the individual, and

(c) *Inpatient tuberculosis hospital services.* Payment may be made to a participating hospital for inpatient tuberculosis hospital services furnished an individual if:

(1) Written request for such payment is filed by or on behalf of the individual to whom the services were furnished;

(2) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part), that such services were required to be given on an inpatient basis, by or under the supervision of a physician, for the treatment of tuberculosis and such treatment could reasonably be expected to improve the condition or render the condition noncommunicable;

18. In § 405.161, paragraphs (a) and (a) (2) are revised to read as follows:

§ 405.161 Payment for inpatient hospital services; furnished after 90- or 150-day limit or after 190-day limit.

(a) Even though an individual is not entitled to have payment made under this Subpart A for inpatient hospital services because of the 90-day or up to 150-day (as appropriate) benefit limitation for a spell of illness as described in § 405.110(c), or the 190-day lifetime benefit limitation on inpatient psychiatric hospital services see § 405.110(d), payment may be made for the inpatient hospital services furnished after such 90th or 150th day or after such 190th day in the case of inpatient psychiatric hospital services if:

(2) The individual has exhausted the additional 60 days of inpatient hospital services for which he is entitled to have payment made (see § 405.110(a) (2)) and payment is precluded only because of the limitations on days of services discussed in §§ 405.110-405.112 inclusive;

19. Sections 405.162-405.163 are revised to read as follows:

§ 405.162 Prohibition against payment for inpatient hospital services furnished after utilization review finding that further services are not medically necessary.

Where pursuant to a system of utilization review (see § 405.1035), a finding has been made that further inpatient hospital services are not medically necessary, payment may be made only for those inpatient hospital services furnished before the fourth day following the day on which the hospital received notice of such finding.

§ 405.163 Prohibition against payment for inpatient hospital services furnished after 20th consecutive day by a hospital which has failed to make timely utilization review.

Where the Secretary has determined that a hospital has substantially failed to make timely utilization review (see § 405.617) in long stay cases and has imposed the limitation on days of services provided in section 1866(d), no payment

may be made under this Subpart A for inpatient hospital insurance services furnished by such hospital to any individual after the 20th consecutive day on which such services have been furnished to him if the individual is admitted after the effective date of such determination.

20. In § 405.165, paragraphs (a), (b), and (b)(1) are revised to read as follows:

§ 405.165 Payment for posthospital extended care services; conditions.

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished;

(b) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that such services were required to be given on an inpatient basis because the individual needed skilled nursing care on a continuing basis:

(1) For any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution had met the necessary requirements relating respectively to a utilization review plan (see § 405.1035) and such other requirements as the Secretary finds necessary in the interest of health and safety (see § 405.1001 et seq) for qualification as a "hospital") prior to transfer to the extended care facility; or

21. Sections 405.166-405.167 are revised to read as follows:

§ 405.166 Prohibition against payment for posthospital extended care services furnished after a utilization review finding that services are not medically necessary.

Where pursuant to a system of utilization review (see § 405.1137), a finding has been made that further posthospital extended care services are not medically necessary, payment may be made only for those posthospital extended care services furnished before the fourth day following the day on which the extended care facility received notice of such finding.

§ 405.167 Prohibition against payment for services furnished by a facility which fails to make timely utilization review.

Payment may not be made for posthospital extended care services furnished an individual on any day after the 20th consecutive day on which such services have been furnished the individual, if such individual is admitted to the extended care facility after the effective date of the Secretary's determination (which can be effective only after notice to the facility and the hospital or hospitals with which it has a transfer agreement, and to the public) that such facility has substantially failed to make timely utilization review (see § 405.617) of long stay cases, and that payment for posthospital extended care services is to be so limited. For prohibition against

payment for inpatient hospital services furnished after failure to make timely utilization review, see § 405.163.

22. In § 405.170, paragraphs (a), (b), (b)(3), and (b)(4) are revised to read as follows:

§ 405.170 Payment for posthospital home health services; conditions.

(a) Written request for such payment is filed by or on behalf of the individual to whom such services are furnished;

(b) When required, a physician (other than a doctor of podiatry or surgical chiropody) certifies and recertifies (see Subpart P of this part) that:

(3) A plan for furnishing such services to such individual has been established and is periodically reviewed by a physician (other than a doctor of podiatry or surgical chiropody); and

(4) The services were furnished while the individual was under the care of a physician (other than a doctor of podiatry or surgical chiropody).

23. Section 405.175 is revised to read as follows:

§ 405.175 Payment to participating hospital for outpatient hospital diagnostic services; conditions.

Payment may be made to a participating hospital for outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.141-405.145), only if:

(a) Written request for such payment is filed by or on behalf of the individual to whom such services were furnished: and (in the case of such services furnished before January 3, 1968);

(b) A physician (other than a doctor of podiatry or surgical chiropody) certifies (see Subpart P of this part) that such services were required for diagnostic study.

24. Sections 405.191 and 405.192 added to read as follows:

§ 405.191 Emergency services; finding that an emergency existed and/or has ceased.

(a) *General.* Payment to a nonparticipating hospital for emergency services (as defined in § 405.152(b)) can be made only for the period during which the emergency exists.

(b) *Objective.* The objective of paragraph (a) of this section is to limit reimbursement for emergency inpatient hospital services only to periods during which the patient's state of injury or disease is such that a health or life-endangering emergency existed and continued to exist, requiring immediate care which could only be provided in a hospital.

(1) The finding that an emergency existed and/or has ceased will ordinarily be supported by medical evidence including the attending physician's supporting statement (see § 405.152(a)(8)) and, when appropriate, information furnished by the hospital. However, a statement by the physician or hospital that an emergency existed, in the absence of sufficient medical information to establish the actual emergency, will not constitute suffi-

cient evidence of the existence of an emergency.

(2) An emergency no longer exists when it becomes safe from a medical standpoint to move the individual to a participating hospital or other institution, or to discharge him.

(3) Existence of medical necessity for emergency services is based on the physician's assessment of the patient prior to admission to the hospital. Therefore, conditions developing after a non-emergent admission are not considered emergency services for purposes of this subparagraph.

(4) Death of the patient during hospitalization will not necessarily establish the existence of an emergency, as some chronically ill patients, while requiring long terminal hospitalization, are not in need of immediate hospitalization, so that care in a participating hospital can be planned. Similarly, lack of adequate care at home does not necessarily establish need for emergency services.

(5) Lack of transportation to a participating hospital does not constitute a reason for emergency hospital admission, unless there is also an immediate threat to the life and health of the patient.

§ 405.192 Emergency services; finding of accessibility.

(a) *General.* Services, to be emergency services (as defined in § 405.152(b)), must be furnished by the most accessible hospital available and equipped to furnish such services.

(b) *Objectives.* The objective of the requirement in paragraph (a) of this section is to limit reimbursement for emergency inpatient hospital services provided by nonparticipating hospitals to situations where transport of the patient to a participating hospital would have been medically inadvisable, e.g., the participating hospital would have taken longer to reach and the patient's condition necessitated immediate admission for hospital services; and for so long as that condition precluded the patient's discharge or removal to a participating hospital.

(1) In emergency situations, time is a crucial factor and the patient must ordinarily receive hospital care as soon as possible. Under such circumstances, all factors must be considered which bear on whether or not the required care could be provided sooner in the nonparticipating hospital than in a participating hospital in the general area. The determination must take account of such matters as relative distances of the participating and nonparticipating hospitals, the transportation facilities available to these hospitals, the quality of the roads to each hospital, the availability of beds at each hospital, and any other relevant factors. All of these factors are pertinent to a determination of whether a hospital is "the nearest," or "further away," or "closer to" the place where the emergency occurred.

(2) The considerations referred to in subparagraph (1) of this paragraph are generally applicable to rural areas, where hospitals are likely to be spaced far apart. In urban and suburban areas, where both

participating and nonparticipating hospitals are similarly available, it will be presumed that the services could have been provided in a participating hospital. This presumption can be overcome only by clear and convincing evidence showing the medical or practical necessity in each individual case for taking the patient to a nonparticipating hospital instead of a similarly available participating hospital.

(3) There are some situations requiring prompt removal of a patient to a hospital but in which there was no immediate need, of the kind described in subparagraph (1) of this paragraph, to rush the patient to a hospital, i.e., his condition, while requiring prompt attention in a hospital, indicated there was some time available to get him to one. In such cases the services provided in a nonparticipating hospital are not covered as emergency inpatient hospital services if there was a participating hospital in the same general area but further away from the place where the emergency occurred, provided that professional judgment confirms that the additional time required to take the patient to the participating hospital would not have been hazardous to the patient.

(4) The determination whether the nonparticipating hospital which claims reimbursement is the most "accessible" hospital will be made on the basis of the considerations set forth in paragraphs (c) and (d) of this section; interpreted

in accordance with the statement of objectives in this paragraph (b). The personal preference of a patient, or of his physician, or of members of his family, or others, in the selection of a hospital, will not be considered a factor in determining whether services were furnished by the most accessible hospital. Nor will the nonavailability of staff privileges to the attending physician in a participating hospital which is available and most accessible to the patient, or the location of previous medical records, be considered a factor in the determination of accessibility.

(c) *Conditions under which the accessibility requirement will be met.* Where an individual must be taken to a hospital immediately for required diagnosis or medical treatment, the accessibility requirement will be met, except as provided in paragraph (d) of this section, if it is established to the satisfaction of the Administration that:

(1) The nonparticipating hospital which furnished the emergency services is the nearest hospital to the point at which the emergency occurred (subject to the presumption contained in paragraph (b) (2) of this section); and, if there is a similarly available participating hospital, the evidence shows the medical or practical necessity for taking the patient to a nonparticipating hospital; or

(2) One or both of the following reasons apply:

(i) No closer participating hospital has a bed available or will accept the individual; or

(ii) The nonparticipating hospital is the nearest one equipped medically to deal with the type of emergency involved; or it is the nearest hospital which is equipped to handle the emergency which had a bed available when the emergency occurred.

(d) *Conditions under which the accessibility requirement will not be met.* The accessibility requirement will not be met if:

(i) (1) The diagnosis in the emergency claim or other evidence indicates there was some time for getting the individual to a hospital, and no immediate need to rush him to one; and

(ii) There is a participating hospital in the area which is further away from the point at which the emergency occurred than the nonparticipating hospital, but is equipped to handle such an emergency; and

(iii) The additional time it would have required to take the individual to the participating hospital would not have been hazardous to the patient; or

(2) There is a participating hospital, equipped to handle the emergency with a bed available, closer to where the emergency occurred than the non-participating hospital in which the beneficiary received emergency services; and neither of the reasons described in paragraph (c) (2) of this section apply.

[F.R. Doc. 68-13779; Filed, Nov. 14, 1968; 8:48 a.m.]

Notices

INTERSTATE COMMERCE COMMISSION

[Notice 1236]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

NOVEMBER 8, 1968.

The following applications are governed by special rule 1.247¹ of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rules, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

¹ Copies of special rule 1.247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 109 (Sub-No. 2), filed October 23, 1968. Applicant: LOUIS G. HANUM, doing business as CAMPBELL'S AUTO EXPRESS, 527 Elm Avenue, Pitman, N.J. 08071. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between the plantsite of CBS Records, a division of Columbia Broadcasting System, Pitman, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 808 (Sub-No. 40), filed October 23, 1968. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, Ohio 44122. Applicant's representative: J. A. Kundtz, 1050 Union Commerce Building, Cleveland, Ohio 44115. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Automobiles and trucks*, in secondary movements, in driveway and truck-away service, between points in Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi, under contract with General Motors Corp. NOTE: Applicant states no duplicative authority is sought. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2428 (Sub-No. 25), filed October 21, 1968. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brun-

wick Avenue, Hopelawn (Perth Amboy), N.J. 08861. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metal*, in dump vehicles, between the plantsites of Phelps Dodge Copper Products Corp. at Yonkers, N.Y., and South Brunswick, N.J., under contract with Phelps Dodge Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2452 (Sub-No. 12), filed October 24, 1968. Applicant: HAJEK TRUCKING CO., INC., 7635 West Lawndale Avenue, Summit, Ill. 60502. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment, between the plantsite of Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, points in Fulton, Jasper, Starke, and Pulaski Counties, Ind., Cook County, Ill., and the Chicago, Illinois, commercial zone, as defined by the Commission. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 2900 (Sub-No. 166), filed October 28, 1968. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. Applicant's representative: Larry D. Knox (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities in bulk, household goods as defined by the Commission, commodities requiring the use of special equipment, (1) between Hattiesburg and McComb, Miss., from Hattiesburg, over U.S. Highway 98 to McComb, Miss., and return over same route as an alternate route for operating convenience only, (2) between Baton Rouge, La., and McComb, Miss., from Baton Rouge, over Louisiana Highway 19 to Louisiana-Mississippi State line, thence over Mississippi Highway 33 to Gloster, Miss., thence over Mississippi Highway 24 to McComb, Miss., and return over same route as an alternate route for operating convenience only, (3) between Jackson, Miss., and Mobile, Ala., from Jackson, over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 98 to Mobile, Ala., and return over same route, as an alternate route for operating convenience only, serving Mobile for joinder purposes only, (4) between Mobile, Ala., and Marianna, Fla., from

Mobile, over U.S. Highway 90 (also over Interstate Highway 10 where completed to Marianna, Fla., and return over same route as an alternate route for operating convenience only, serving Mobile for joinder purposes only, (5) between Memphis, Tenn., and Mobile, Ala., from Memphis, over Interstate Highway 55 to Vaiden, Miss., thence over Mississippi Highway 35 to junction Mississippi Highways 35 and 19, thence over Mississippi Highway 19 to junction Mississippi Highway 19 and U.S. Highways 45 and 80, thence over U.S. Highway 45 to Mobile, Ala., and return over same route as an alternate route for operating convenience only, serving junction U.S. Highways 45 and 80 and Mississippi Highway 19 and Mobile, Ala., for joinder purposes only.

(6) Between Birmingham and Dothan, Ala., from Birmingham, over U.S. Highway 31 (also Interstate Highway 65 where completed), to Montgomery, Ala., thence over U.S. Highway 231 to Dothan, Ala., and return over same route as an alternate route for operating convenience only, serving Montgomery and Dothan for joinder purposes only, (7) between Dothan, Ala., and Marianna, Fla., from Dothan, over U.S. Highway 231 to junction U.S. Highway 231 and Florida Highway 73, thence over Florida Highway 73 to Marianna, Fla., and return over same route as an alternate route for operating convenience only, serving Dothan, Ala., for joinder purposes only, (8) between Dothan, Ala., and Bainbridge, Ga., from Dothan, over U.S. Highway 84 to Bainbridge, Ga., and return over same route as an alternate route for operating convenience only, serving Dothan, Ala., for joinder purposes only, (9) between Bainbridge, Ga., and Tallahassee, Fla., from Bainbridge, over U.S. Highway 27 to Tallahassee, Fla., and return over same route as an alternate route for operating convenience only, (10) between Cuba and Phenix City, Ala., from Cuba, over U.S. Highway 80 to Phenix City, Ala., and return over same route as an alternate route for operating convenience only, serving Montgomery, Ala., for joinder purposes only, (11) between Atlanta, Ga., and Mobile, Ala., from Atlanta over U.S. Highway 29 to junction U.S. Highway 29 and Interstate Highway 85, thence over Interstate Highway 85 to Montgomery, Ala., thence over U.S. Highway 31 (also Interstate Highway 65 where completed), to Mobile, Ala., and return over same route as an alternate route for operating convenience only, serving Montgomery and Mobile, Ala., for joinder purposes only.

(12) Between junction U.S. Highways 90 and 11, and Mobile, Ala., from Mobile, over U.S. Highway 90 to junction U.S. Highways 90 and 11, and return over same route as an alternate route for operating convenience only, serving junction U.S. Highways 90 and 11, and Mobile, Ala., for joinder purposes only, (13) between junction U.S. Highways 90 and 11, and Hammond, La., from junction U.S. Highways 90 and 11 over U.S. Highway 11 to junction U.S. Highways 11 and 190, thence over U.S. Highway 190 to Hammond, La., and return over same

route as an alternate route for operating convenience only, serving junction U.S. Highways 90 and 11 for joinder purposes only, (14) between Montgomery, Ala., and Dawson, Ga., from Montgomery over U.S. Highway 82 to Dawson, Ga., and return over same route as an alternate route for operating convenience only, serving Montgomery, Ala., for joinder purposes only, (15) between Tuscaloosa, and Jasper, Ala., from Tuscaloosa over Alabama Highway 69 to Jasper and return over same route as an alternate route for operating convenience only, (16) between Jasper, Ala., and junction U.S. Highway 31 and Interstate Highway 65, from Jasper over Alabama Highway 69 to junction Alabama Highway 69 and Interstate Highway 65, thence over Interstate Highway 65, to junction U.S. Highway 31 and Interstate Highway 65, and return over same route as an alternate route for operating convenience only, and (17) between Tuscaloosa, and Montgomery, Ala., from Tuscaloosa, over U.S. Highway 82 to Montgomery, Ala., and return over same route as an alternate route for operating convenience only, serving Montgomery, Ala. for joinder purposes only, serving no intermediate points (1) through (17) except those specified for joinder purposes only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 13134 (Sub-No. 22) (Clarification), filed September 26, 1968, published FEDERAL REGISTER issue of November 7, 1968, and republished as clarified, this issue. Applicant: GRANT TRUCKING, INC., Box 256, Oak Hill, Ohio. Applicant's representative: James M. Burch, 100 East Broad Street, Room 1800, Columbus, Ohio 43125. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles, and equipment, materials and supplies* used in the manufacture, processing, or shipment of plastic articles, between Jackson (Jackson County), Ohio, on the one hand, and, on the other, points in Michigan, and Indiana. NOTE: The purpose of this republication is to clarify the territorial authority sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 30837 (Sub-No. 358), filed October 28, 1968. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Display materials*, in shipper-owned demonstration vehicles, between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. NOTE: Applicant states it intends to tack with its present authority in MC 30837 Sub 335, at the junction points in Montana, Idaho, Nevada, and Arizona. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 104), filed October 14, 1968. Applicant: T.I.M.E. FREIGHT, INC., 2598 74th Street, Post Office Box 2550, Lubbock, Tex. 79408. Applicant's representative: Frank M. Garrison, Post Office Box 2550, Lubbock, Tex. 79408. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Explosives and/or component parts*, between Memphis and Nashville, Tenn., from Memphis over U.S. Highway 70 to junction Alternate U.S. Highway 70, thence over Alternate U.S. Highway 70 to junction U.S. Highway 70, and thence over U.S. Highway 70 to Nashville, and return over the same route, serving the intermediate point of Milan Army Ammunition Depot. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 44605 (Sub-No. 34), filed October 23, 1968. Applicant: MILNE TRUCK LINES, INC., 2200 South Third, West, Salt Lake City, Utah 84115. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lyman and Rock Springs, Wyo., over U.S. Highway 30 (Interstate Highway 80), serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rock Springs, Wyo., or Salt Lake City, Utah.

No. MC 52460 (Sub-No. 95), filed October 31, 1968. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. 74107. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from the plantsite of Central Farmers Fertilizer Co. at South River (located near Palmyra) in Marion County, Mo., to points in Illinois, Iowa, and Missouri, (2) from Albany, Ill., to points in Iowa and Missouri, and (3) from Seneca, Ill., to points in Iowa and Illinois. NOTE: No duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 56679 (Sub-No. 27), filed October 28, 1968. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, moving in special equipment; temperature controlled equipment, from the plantsites of Minnesota Mining & Manufacturing Co. at Alexandria, Chemolite (located near Hastings), Fairmont, Hutchinson, New Ulm, and St. Paul, Minn., and Cumberland and Prairie du Chien, Wis., to

Chamblee and Atlanta, Ga. NOTE: Applicant states that while the purpose of the application does not contemplate tacking, tacking is possible at Atlanta, Ga., in connection with authority presently held by applicant serving points in Georgia and Tennessee. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Atlanta, Ga.

No. MC 59894 (Sub-No. 41), filed October 25, 1968. Applicant: TEXAS-ARIZONA MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of the Ford Motor Co. at the intersection of Westport Road and Murphy Lane, Jefferson County, near Louisville, Ky., as an off-route point in connection with applicant's presently authorized regular route authority to serve New Albany, Ind. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61396 (Sub-No. 209), filed October 21, 1968. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Post Office Box 189, Downtown Station 68101, Omaha, Nebr. 68101. Applicant's representatives: Dale G. Herman (same address as above); also Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Dundee Cement Co. in Nashville, Tenn., to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Nashville, Tenn.

No. MC 66746 (Sub-No. 12) (Correction), filed October 7, 1968, published FEDERAL REGISTER issue of October 24, 1968, corrected October 28, 1968, and republished as corrected this issue. Applicant: JOHN L. KERR AND G. O. KERR, JR., a partnership, doing business as SHIPPERS EXPRESS, 1651 Kerr Drive, Post Office Box 8665, Jackson, Miss. 39204. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Building, Post Office Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Jackson, Miss., on the one hand, and, on the other, points in Mississippi on and south of Mississippi Highway 4, on and west of Interstate Highway 55, and on and north of Mississippi Highway 8. NOTE: Applicant states it is authorized to operate between Jackson, Miss., on the one hand,

and, on the other, a portion of the territory described above, but it does not seek duplicating authority. Applicant indicates tacking possibilities. The purpose of this republication is to show the correct highway as Interstate Highway 55 in lieu of Mississippi Highway 55 as previously published, and to show the hearing location as Clarksdale, Miss. in lieu of Jackson, Miss. If a hearing is deemed necessary, applicant requests it be held at Clarksdale, Miss.

No. MC 66900 (Sub-No. 33), filed November 1, 1968. Applicant: HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, Va. 24486. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Nails, wire fencing, chains, staples, barbed wire, pipe, bars, twine, and damaged or rejected shipments* on return, from Norfolk and Newport News, Va., to points in Virginia, restricted to shipments having a prior or subsequent movement by water; and (b) *wool*, from Norfolk and Newport News, Va., to Glasgow, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 68078 (Sub-No. 28), filed October 25, 1968. Applicant: CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37407. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Tennessee Valley Authority (TVA) Sequoyah Powerplant, located on the north bank of Tennessee River, approximately 4½ miles east of Daisy, Tenn., located in Hamilton County, Tenn., as an off-route point in connection with applicant's regular route in MC 68078 (Sub-No. 24). NOTE: Applicant intends to tack with its Sub 24 to permit through service at Daisy, Tenn., and tack to all other authority at connecting points. If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Knoxville, or Nashville, Tenn.

No. MC 73688 (Sub-No. 28), filed October 25, 1968. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orinda Avenue, Memphis, Tenn. 38107. Applicant's representative: Charles H. Hudson, Jr., 833 Stahlman Building, Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and composition board*, between Memphis and Covington, Tenn., on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Iowa, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Missouri, Ohio, West Virginia, Michigan, and Wisconsin, re-

stricted to traffic originating at the named origins, and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 76025 (Sub-No. 9) (Amendment), filed June 17, 1968, published in FEDERAL REGISTER issues of July 4, 1968, and August 1, 1968, and republished as amended this issue. Applicant: OVERLAND EXPRESS, INC., Post Office Box 2667, 498 First Street NW., New Brighton, Minn. 55112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and advertising materials*, from (1) points in Cottonwood, Dakota, Douglas, Freeborn, Goodhue, Hennepin, Jackson, Meeker, Olmstead, Pine, Ramsey, Rice, Waseca, and Washington Counties, Minn., and (2) from points in Clark, Chippewa, Columbia, Eau Claire, Green, Juneau, Marathon, Sauk, Trempealeau, and Wood Counties, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under a continuing contract or contracts with Land O'Lakes Creameries, Inc., of Minneapolis, Minn. NOTE: The purpose of this republication is to reflect the addition of Rhode Island as a destination State. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Chicago, Ill., or Washington, D.C.

No. MC 83217 (Sub-No. 36), filed October 24, 1968. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, Post Office Box 1252, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from Huron, S. Dak., to points in Minnesota, Wisconsin, North Dakota, Nebraska, Iowa, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Huron, S. Dak., and (b) from Austin, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Pennsylvania, and the District of Columbia, restricted to traffic originating at Austin, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 95540 (Sub-No. 738), filed October 23, 1968. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*,

from points in Baldwin County, Ala., to points in Arizona, Arkansas, California, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nevada, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 99072 (Sub-No. 2), filed October 17, 1968. Applicant: ROSENBERG & COHEN, INC., 511 West 36th Street, New York, N.Y. 10018. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garments, and materials, equipment and machinery* used in the manufacture thereof, (1) from points in the New York, N.Y., commercial zone, to points in Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y., (2) from points in Albany, Columbia, Dutchess, Greene, Orange, Putnam, Rockland, Ulster, and Westchester Counties, N.Y., (3) from points in Albany County, N.Y., to points in Ulster County, N.Y., (4) from points in Columbia County, N.Y., to points in Greene, Ulster, and Westchester Counties, N.Y., (5) from points in Dutchess County, N.Y., to points in Greene, Rockland, Ulster, and Westchester Counties, N.Y., (6) from points in Greene County, N.Y., to points in Columbia, Dutchess, Ulster, and Westchester Counties, N.Y., (7) from points in Rockland County, N.Y., to points in Dutchess and Westchester Counties, N.Y., (8) from points in Ulster County, N.Y., to points in Albany, Dutchess, Greene, and Westchester Counties, N.Y., (9) between points in Westchester County, N.Y., (10) from points in Westchester County, N.Y., to points in Columbia, Dutchess, Greene, Rockland, and Ulster Counties, N.Y., (11) between points in the New York, N.Y., commercial zone and the village of Pleasantville (Westchester County), on the one hand, and, on the other, points in Franklin County, N.Y. NOTE: Applicant seeks the right to tack or join all of the above requested authorities. Applicant states it holds a certificate of registration in MC 9972 (Sub-No. 1), which duplicates authority sought except as to points in New Jersey in the New York, N.Y., commercial zone. Upon a grant of the authority sought, applicant will surrender its certificate of registration. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 102682 (Sub-No. 258), filed October 28, 1968. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 10207, Charleston, S.C. 29411. Applicant's representative: Frank B. Hand, Jr., 1111 E Street NW, Washington D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives; ammunition not classified as Classes A, B, and C explosives; poisons; flammable solids; and tear gas materials*, from Sugar

Grove, Va., to Goodyear and Mesa, Ariz.; Pine Bluff, Ark.; Tooele, Utah; Dover, Del.; Southport, N.C.; Burlington, Iowa; Marshall, Tex.; and Wolf Lake, Ill., with authority to serve Wolf Lake restricted to the interchange of traffic. NOTE: Applicant has an application for contract authority pending under MC-89340 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103993 (Sub-No. 345), filed October 25, 1968. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tassar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, and equipment and materials incidental to the erection and completion of such buildings*, from Houston, Tex., to points in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103993 (Sub-No. 346), filed October 28, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tassar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, and pickup campers in initial movements, from points in Henry County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103993 (Sub-No. 347), filed October 28, 1968. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Robert G. Tassar and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Weakley County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 106398 (Sub-No. 371), filed September 30, 1968. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings and sections*, mounted on wheeled undercarriages and campers, from points in Oregon, to points in Washington, California, Arizona, Nevada, Utah, Idaho, Montana, Wyoming, Colorado, and New Mexico (except from points in Yamhill County, Bend and Beaverton, Ore., to

points in the above-specified destinations; also except from Pendleton, Ore., to points in Colorado, Montana, and Wyoming; and also except from McNary, Ore., and points within 20 miles thereof, to points in Washington, Arizona, Nevada, Utah, Montana, Wyoming, Colorado, and New Mexico). NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 106674 (Sub-No. 65), filed October 28, 1968. Applicant: SCHILLI MOTOR LINES, INC., 170 Eastern Boulevard, Clarksville, Ind. 47130. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant or warehouse sites of Continental Steel Corp., located in Howard County, Ind., to points in the United States on and east of U.S. Highway 85 and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, on return, restricted to traffic originating at or destined to the named origins and destinations in (1) and (2) above, and restricted against the transportation of commodities in bulk. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 107012 (Sub-No. 84), filed October 25, 1968. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and fixtures*, between Laramie, Wyo., on the one hand, and, on the other, points in Minnesota, Iowa, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Montana, Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107012 (Sub-No. 85), filed October 28, 1968. Applicant: NORTH AMERICAN VAN LINES, INC., Post Office Box 988, Lincoln Highway East and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Martin A. Weissert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and store fixtures*, uncrated, from ports of entry on the international boundary line between the United States and Canada located in New York to points in Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, New Hampshire, and the District of Columbia. NOTE: Common control and dual operations may be involved. If a hearing

is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 107295 (Sub-No. 139), filed October 28, 1968. Applicant: PRE-FAB TRANSIT CO., a corporation; 100 South Main Street, Farmer City, Ill. 61842. Applicant's representatives: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 68142, and Mack Stephenson, 301 Building, 301 North Second Street, Springfield, Ill. 62702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New architectural interiors and components thereof*, and (2) *related supplies*, when moving in mixed loads with architectural interiors, from Kansas City, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Kansas City, or St. Louis, Mo.

No. MC 107839 (Sub-No. 130), filed October 25, 1968. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Oleomargarine, table sauces, table spreads, salad dressing, tallow and animal fats*, in containers, (a) from Sherman, Tex., to points in Arkansas, Colorado, Illinois, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming, (b) from Jacksonville, Ill., to points in Arkansas, Colorado, Kansas, Missouri, Nebraska, Oklahoma, Texas, and Wyoming, and (2) *containers, advertising materials, supplies, machinery, materials and ingredients used in the manufacturing, packing and distribution of commodities in (1) above*, between Sherman, Tex., and Jacksonville, Ill. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107975 (Sub-No. 7), filed October 25, 1968. Applicant: KENNETH E. ALLISON, South Main Street and Tolna Road, Hungerford, Pa. 17361. Applicant's representative: Harry L. McNeal, 34 East Princess Street, York, Pa. 17403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, linseed meal, alfalfa meal, corn gluten feed, corn gluten meal, hominy feed, distillers byproducts, feed grade urea, wheat midds, and wheat bran*, to be used as ingredients of animal and poultry feed, in bulk or in bags, from points in Illinois, Indiana, Michigan, Ohio, and Kentucky, to points in Pennsylvania, Maryland, and Delaware. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at York or Harrisburg, Pa., or Washington, D.C.

No. MC 108068 (Sub-No. 69), filed October 22, 1968. Applicant: U.S.A.C. TRANSPORT, INC., 129 South State Street., Dover, Del. Mail: Post Office Box G, Business Route 144, Joplin, Mo. 64801. Applicant's representative: Wilburn L.

Williamson, 450 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except new passenger automobiles, commodities moving in tank vehicles, and household goods as defined by the Commission, between points in Utah, Oklahoma, Texas, Kansas, California, Pennsylvania, Georgia, New York, Tennessee, Florida, Virginia, South Dakota, Montana, Colorado, Alabama, and Illinois, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located on the Pacific coast, restricted to foreign commerce or traffic moving to and from Alaska or Hawaii. **NOTE:** Applicant states that the authority under its lead docket, MC 108068 and portions of existing authority will be tacked at points in common States Virginia, New York, Illinois, Pennsylvania, and Texas. Applicant's presently held MC 108068 (Sub-No. 23) authorizes: *General commodities* (except new passenger automobiles, commodities moving in tank vehicles, and classes A and B explosives, between the same identified States with a restriction limiting service to Alaska. The instant application seeks to clarify the foregoing restriction without increasing the continental States and involves a request for a clarified authority between the same identical States. Applicant's MC 108068 (Sub-No. 23) also is duplicative and will be surrendered simultaneously upon grant of this application. Portions of other of applicant's present authority may be duplicative. Any grant may be conditioned to confer but a single operating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108068 (Sub-No. 70), filed October 23, 1968. Applicant: U.S.A.C. TRANSPORT, INC., Post Office Box G, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and food processing, handling and packaging machinery, equipment, materials and supplies*, which because of size, weight, or bulk, require special equipment or special handling, and (2) *commodities named in (1) above*, which do not require special equipment or special handling, only when moving as part of the same vehicle with commodities named in (1) above, which because of size, weight, or bulk, do require special equipment or special handling, between points in the United States (excluding Alaska and Hawaii). **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 108340 (Sub-No. 18), filed October 28, 1968. Applicant: HANEY TRUCK LINE, a corporation, 2219 Cedar Street, Forest Grove, Ore. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Ore. 97210. Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Cannery, food processing plant and animal food processing plant, products, materials, supplies and equipment*, between points in Washington County, Ore., on the one hand, and, on the other, points in Washington, restricted to shipments originating at or destined to canneries, food processing plants and animal food processing plants. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland, Ore.

No. MC 109435 (Sub-No. 57), filed October 31, 1968. Applicant: ELIS-WORTH BROS. TRUCK LINE, INC., Drawer J, 116 North Allied Road, Stroud, Okla. 74079. Applicant's representative: Wilburn L. Williamson, 450 American National Building, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Woodward, Okla., to points in Stanton, Grant, Haskell, Gray, Ford, Kiowa, Pratt, Harber, Barber, Comanche, Clark, Meade, Stevens, Morton, and Seward Counties, Kans., and points in Texas. **NOTE:** Applicant states that it is not aware of any feasible tacking operation, however, it opposes the imposition of a tacking restriction. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 109478 (Sub-No. 113), filed October 23, 1968. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), and such *incidental materials and supplies* as are used in the distribution and sale of such foodstuffs, when moving therewith, from Hamlin, Holley, and Williamson, N.Y., to points in Indiana and Illinois. **NOTE:** Applicant states it could tack the proposed authority with its presently held authority under MC 109478 (Sub-No. 25) to serve other points in western New York. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 109533 (Sub-No. 36), filed October 15, 1968. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Lilipert, Suite 1035, 1875 Connecticut Avenue NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Birmingham, Ala., and Atlanta, Ga., over U.S. Highway 78, serving all intermediate points in Georgia, and all points within 65 miles of Birmingham, Ala., as intermediate and off-route points; (2) between Birmingham, Ala.,

and Chattanooga, Tenn., over U.S. Highway 11 (also Interstate Highway 59), serving all intermediate points in Georgia, and all points within 65 miles of Birmingham, Ala., as intermediate and off-route points; (3) between Westminster, S.C., and Birmingham, Ala., from Westminster over U.S. Highway 76 to junction Georgia Highway 201, thence over Georgia Highway 201 to junction Georgia Highway 143, thence over Georgia Highway 143 to La Fayette, Ga., thence over U.S. Highway 27 to Rome, Ga., thence over U.S. Highway 411 to Gadsden, Ala., thence over U.S. Highway 11 and/or Interstate Highway 59 to Birmingham, and return over the same route, serving all intermediate points in Georgia and South Carolina as intermediate points, and all points in Alabama within 65 miles of Birmingham as intermediate and off-route points. NOTE: Applicant requests handling together with an application filed by applicant under section 5 of the Act in No. MC-F 10196, published in the FEDERAL REGISTER, issue of July 24, 1968. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109533 (Sub-No. 37), filed October 22, 1968. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Richmond, Va. 23224. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Sprouses Corner, Va., and junction U.S. Highways 460 and 15 over U.S. Highway 15, serving all intermediate points, and (2) between junction U.S. Highway 52 and Virginia Secondary Highway 717, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lynchburg or Richmond, Va.

No. MC 109584 (Sub-No. 146), filed October 29, 1968. Applicant: ARIZONA PACIFIC TANK LINES, a corporation, 3201 Ringsby Court, Denver, Colo. 80216. Applicant's representative: Eugene St. M. Hamilton (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sodium chlorate, dry, in bulk, in tank vehicles, from Henderson, Nev., to points in California, other than those in the following counties: Fresno, Imperial, Kern, Kings, Madera, Riverside, Merced, Shasta, and Tulare. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 110193 (Sub-No. 164), filed October 23, 1968. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, Post Office Box 2628, South Bend, Ind. 46613. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Confectionery, cocoa, chocolate, and

chocolate compounds and related chocolate or cocoa products, in vehicles equipped with mechanical refrigeration and (2) materials and supplies used in the manufacture or distribution of the commodities named in (1) above, when moving in mixed loads with said commodities, (1) between Fulton, Oswego, and Syracuse, N.Y., on the one hand, and, on the other, Burlington, Wis., (2) from Burlington, Wis., to Springfield, Mass., and Pittsburgh and Philadelphia, Pa., and (3) from Fulton, Oswego, and Syracuse, N.Y., to St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111656 (Sub-No. 5), filed October 29, 1968. Applicant: FRANK LAMBIE, INC., 533 West 26th Street, New York, N.Y. 10001. Applicant's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Yarn, loose, cores, tubes, and cartons, from carrier's warehouse at New York, N.Y., to points in Union, Essex, Bergen, Passaic, and Hudson Counties, N.J., and points in Nassau and Suffolk Counties, N.Y., under contract with National Spinning Co., Inc. Restriction: Restricted to a prior movement by common carriers, in interstate commerce. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112372 (Sub-No. 13), filed October 25, 1968. Applicant: CLARENCE G. JEWELL, Box 703, Leesburg, Va. 22075. Applicant's representative: Eston H. Alt, Post Office Box 81, Winchester, Va. 22601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Feed, from points in Pennsylvania, to Loudoun County, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 189), filed October 28, 1968. Applicant: MCKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum sulphate, in bulk, in tank vehicles, from Port St. Joe, Fla., to Brewton, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112801 (Sub-No. 86), filed November 1, 1968. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, Ill. 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from the facilities of Mid-America Pipeline Co. located at or near Early, Garner, and Whiting, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary,

applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 113495 (Sub-No. 36), filed October 24, 1968. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. Applicant's representative: Wilmer B. Hill, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Construction and industrial machinery, (2) commodities which because of size or weight require the use of special equipment or special handling, (3) commodities other than those which because of size or weight require the use of special equipment or special handling, when moving in truckloads with the commodities named in (1) and (2) above, and (4) parts, when transported with the commodities named in (1), (2), and (3) above, between the plantsite and facilities of West Virginia Pulp and Paper Co., at or near Wickliffe, Ky., and points in Connecticut, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, Ohio, Rhode Island, Vermont, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Chicago, Ill.

No. MC 113678 (Sub-No. 334), filed October 28, 1968. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, from Grand Island, Nebr., to points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 113843 (Sub-No. 145), Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02110. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Canned goods, from Milton, Del., to points in Oklahoma, Texas, and Louisiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 67), filed October 23, 1968. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Trailers, designed to be drawn by passenger automobiles in initial movement, in truck-away service, from points in Crittenden County, Ark., to points in the United States including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 114323 (Sub-No. 11), filed October 28, 1968. Applicant: PAUL MARCKESANO AND SONS CO., INC.,

54th Avenue and 5th Street, Long Island City, N.Y. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from New York, N.Y., and points in Connecticut, to points in Connecticut. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114533 (Sub-No. 175), filed October 23, 1968. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 South Jefferson Street, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radio-pharmaceuticals, isotopes, and related products*, between points in St. Louis County, Mo., on the one hand, and, on the other, points in Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115162 (Sub-No. 160), filed October 29, 1968. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hard-board and composition board*, between Memphis, and Covington, Tenn., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Memphis, Tenn.

No. MC 116073 (Sub-No. 87), filed October 24, 1968. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 601, Moorehead, Minn. 56560. Applicant's representatives: Donald E. Cross, 917 Munsey Building, 1329 E Street NW., Washington, D.C. 20004, and John G. McLaughlin, 624 Pacific Building, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in secondary movement by truckaway service, between points in the United States including Alaska but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 116077 (Sub-No. 252), filed October 23, 1968. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium silicate*, from Pineville, La., to points in Arkansas, Mississippi, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 118159 (Sub-No. 55), filed October 25, 1968. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coconuts, pineapples, fresh fruits, and vegetables*, when moving in the same vehicle and at the same time with shipments of bananas, as presently authorized, from Gulfport, Miss., to points in Alabama (except Montgomery), Arizona, Arkansas, California, Colorado, Florida (except Pensacola), Georgia (except Atlanta and points within 15 miles of Atlanta), Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 118263 (Sub-No. 8), filed October 24, 1968. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, Clarksville, Ind. 47131. Applicant's representative: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Kitchens of Sara Lee, located at Deerfield and Chicago, Ill., to points in Alabama, Georgia, Indiana, Iowa, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and Minneapolis and St. Paul, Minn., restricted to traffic originating at said plantsite and warehouse facilities. NOTE: Applicant holds contract authority under MC 111069 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 19), filed October 28, 1968. Applicant: CONTAINER TRANSIT, INC., 5223 South Ninth Street, Milwaukee, Wis. 53221. Applicant's representative: Richard A. Heilprin, Post Office Box 941, Madison, Wis. 53701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products and incidental parts*, from Faribault, Minn., to points in North Dakota, South Dakota, Nebraska, Iowa, Missouri, Texas, Wisconsin, Illinois, Indiana, Ohio, Michigan, Kansas, Georgia, and Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119619 (Sub-No. 13) (Amendment), filed October 16, 1968, published in FEDERAL REGISTER issue of October 31, 1968, amended November 1, 1968, and republished as amended this issue. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160—16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and packinghouse products*, from New Riegel and Carey, Ohio, to points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, Pennsylvania, Delaware, Virginia, and the District of Columbia. NOTE: Applicant states no duplicating authority is being sought. The purpose of this republication is to show Carey, Ohio, as a point of origin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119777 (Sub-No. 118) (Correction), filed October 7, 1968, published in the FEDERAL REGISTER issue of October 24, 1968, and republished as corrected, this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, iron or steel plates, iron or steel sheets*, between Bellwood, Ill., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and West Virginia. NOTE: Applicant holds contract carrier authority under MC 129670, therefore, dual operations may be involved. The purpose of this republication is to show the State of Louisiana where Louisville appears in the destination points, in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 124), filed October 31, 1968. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textile machinery*, which because of size or weight require the use of special handling or special equipment, from Scranton, Pa., to points in the United States (except Alaska and Hawaii) and (2) *steel racks* used in the transportation of textile machinery, from points in the United States (except Alaska and Hawaii) to Scranton, Pa. NOTE: Applicant holds contract authority under MC 126970, therefore dual operations may be

involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 120543 (Sub-No. 58), filed October 28, 1968. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301 North, Post Office Box 1297, Dade City, Fla. 33525. Applicant's representative: Lawrence D. Fay, 1205 Universal Marion Building, Post Office Box 1986, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit, fruit peel products* in brine and syrup, from points in Florida to points in Illinois, Michigan, Ohio, Kentucky, Minnesota, Iowa, Wisconsin, Missouri, and Indiana. Note: If a hearing is deemed necessary, applicant requests it be held at Tampa or Orlando, Fla.

No. MC 123634 (Sub-No. 6), filed October 28, 1968. Applicant: K. N. DISTRIBUTORS, INC., 31 West 34th Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department stores merchandise*, from trailer and flatcar facilities, at South Kearny, N.J., to the warehouse and storage locations of S. Klein Department Stores, Inc., its subsidiaries and concessionaries located at East Farmingdale, L.I., N.Y., under contract with S. Klein Department Stores, Inc. restricted to traffic having a prior movement by rail. Note: Applicant states it presently holds authority for the same commodities between the warehouse and storage facility, and store locations of S. Klein Department Stores, its subsidiaries and concessionaries, among other points at Newark, N.J., and East Farmingdale, N.Y. Applicant further states the present application is to afford applicant to serve the railroad facilities and terminal for piggyback operations at South Kearny, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123922 (Sub-No. 14), filed October 30, 1968. Applicant: CHARTER BULK SERVICE, INC., 80 Doremus Avenue, Newark, N.J. 07105. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn and soybean products and blends thereof*, in bulk, from points in Massachusetts, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts. Note: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 124489 (Sub-No. 1), filed October 24, 1968. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, Ill. 60639. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail paint supply houses (except commodities

in bulk) and glass, from Chicago, Ill., to points in Lake, Porter, and La Porte Counties, Ind., under a continuing contract or contracts with Hooker Glass and Paint Manufacturing Co. of Chicago, Ill. Note: Applicant holds common carrier authority under Docket No. MC 70557, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124813 (Sub-No. 58), filed October 28, 1968. Applicant: UMTOWN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products, and phosphate feed supplements*, from Alden, Iowa, to points in Illinois and Wisconsin. Note: Applicant holds contract authority under MC 118468 and subs, therefore dual operations may be involved. Applicant states no duplicating rights held or sought. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 124813 (Sub-No. 59), filed October 28, 1968. Applicant: UMTOWN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated alfalfa*, (1) from Gayville, S. Dak., to points in North Dakota and (2) from Lexington, Nebr., to points in Minnesota, Montana, North Dakota, and South Dakota. Note: Applicant holds contract carrier authority under MC 118468 Sub 16, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 125506 (Sub-No. 9), filed October 28, 1968. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such Merchandise* as is dealt in by retail department stores, and, *advertising and display materials*, in a store to store, warehouse to store and store to warehouse transfer service, under contract with Bonwit-Teller, of New York, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125521 (Sub-No. 9), filed October 25, 1968. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, Ohio 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Rochester, N.Y., to Fostoria, Ohio, and *empty containers*, or

other incidental facilities used in transporting such commodities, on return, under contract with Hanson Distributing Co., Fostoria, Ohio. Note: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich., or Columbus, Ohio.

No. MC 125708 (Sub-No. 101), filed October 28, 1968. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel pipe and nipples and fittings, valves, attachments, parts, and accessories therefor*, constituting fire prevention systems or used in the fabrication of fire prevention systems, from points in Chester County, Tenn., to points in the United States (except Alaska and Hawaii), and (2) *pipe valves, fittings, and hangers* used in fabrication, assembly, and installation of fire prevention systems, from points in the United States (except Alaska and Hawaii) to points in Chester County, Tenn. Note: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 125893 (Sub-No. 1), filed October 17, 1968. Applicant: DIRECT AIRPORT SERVICE, INC., 44 Caldwell Street, Huntington Station, New York, N.Y. 11746. Applicant's representatives: Robert L. Conkling, 120 Broadway, New York, N.Y. 10005, also William M. Maddox, 600 Coal Building, 1130 17th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in Nassau and Suffolk Counties, Long Island, N.Y., on the one hand, and on the other Newark Airport, Newark, N.J.; La Guardia Airport, Flushing, N.Y.; John F. Kennedy International Airport, Jamaica, N.Y.; and Long Island MacArthur Airport, Islip, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Mineola, N.Y.

No. MC 126159 (Sub-No. 3), filed October 25, 1968. Applicant: ROC-SALT TRANSPORT, INC., 4875 North 32d Street, Milwaukee, Wis. 53209. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Milwaukee, Wis., to points in Winnebago, Boone, McHenry, Lake, Cook, Kane, De Kalb, Will, Kendall and Du Page Counties, Ill. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126375 (Sub-No. 7), filed October 25, 1968. Applicant: CEL TRANSPORTATION COMPANY, a corporation, Post Office Box 447, Latrobe, Pa. 15650. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Inedible animal fats, tallow, and grease*, in bulk, in tank vehicles, from Findlay Township, Allegheny County, Pa., to Cleveland, Columbus, Dover, Painesville, and Yorkville, Ohio, under contract with Darling & Co. NOTE: Applicant has common carrier authority in MC 65134, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 127001 (Sub-No. 2), filed October 18, 1968. Applicant: W. G. CARTER, doing business as W. G. CARTER TRUCK SERVICE, 207 Riley Street, Plattsburg, Mo. Applicant's representative: Carl V. Kretsinger, 450 Professional Building, 1103 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides, insecticides, and herbicides, and ingredients thereof*, dry, in containers, and in bulk (other than in tank vehicles), and *liquid*, in containers, from points in Polk and Muscatine Counties, Iowa, to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127042 (Sub-No. 27), filed October 28, 1968. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles* distributed by meat packing-houses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from West Point, Nebr., to points in the Chicago, Ill., commercial zone as defined by the Commission, and points in Lafayette, Grant and Crawford Counties, Kans., and Missouri, restricted to traffic originating at the plantsite of Iowa Beef Packers, Inc. NOTE: Applicant states it does not intend to tack. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 127062 (Sub-No. 4), filed October 17, 1968. Applicant: KARL MARKUS, doing business as MARKUS TRUCKING, 2001 20th Avenue South, Lethbridge Alberta, Canada. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain and machinery storage steel buildings*, from Columbus, Nebr., to port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 127948 (Sub-No. 1), filed October 28, 1968. Applicant: W. B. WHITELEY, Oakley, Idaho 83346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Field stone and slate*, (a) from points in Box Elder County, Utah, to points in Idaho; and (b) from points in Box Elder County, Utah, and Cassia County, Idaho, to points in Nevada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 127964 (Sub-No. 2), filed October 25, 1968. Applicant: JOHN H. OSBORNE, doing business as OSBORNE TRUCKING CO., 1008 Sierra Drive, Riverton, Wyo. 82501. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polyvinyl chloride pipe*, from Austin, Minn., to points in Wyoming, Colorado, Idaho, Montana, Nebraska, South Dakota, and Utah, under contract with Riverton Concrete Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper, Wyo., or Denver, Colo.

No. MC 128504 (Sub-No. 1), filed August 30, 1968. Applicant: JAMES M. BARNETT AND MRS. JAMES M. BARNETT, a partnership, doing business as BARNETT'S MOVING & STORAGE, Rural Free Delivery Route No. 4, Kosciusko, Miss. 39090. Applicant's representative: Alton Massey, Jefferson Street, Kosciusko, Miss. 39090. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New industrial, institutional, technical, and laboratory furniture*, uncrated, from Kosciusko, Miss., to points in Alabama, Arkansas, Kentucky, Florida, Georgia, Louisiana, Tennessee, and Mississippi, those points in Illinois and Missouri located on and south of U.S. Highway 40, those points in that part of Indiana located on and south of U.S. Highway 40, to Terre Haute, thence on, west, and south of U.S. Highway 150, those points in Oklahoma and Texas located on and east of U.S. Highway 77. NOTE: If a hearing is deemed necessary, applicant requests it be held at Greenwood or Jackson, Miss.

No. MC 128543 (Sub-No. 3), filed October 23, 1968. Applicant: CRESCO LINES, INC., 13900 South Keeler Avenue, Crestwood, Ill. 60445. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel pipe and pipe fittings; shapes; forms; and strips*, from the plantsites and warehouse facilities of Allied Tube & Conduit Corp., and Allied Rolled Form Products Corp., located at Philadelphia, Pa., and points in the Philadelphia, Pa., commercial zone, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Ohio, Pennsylvania, West Virginia, Kentucky, Virginia, Tennessee, North Carolina, Alabama, Georgia, South Carolina, Florida, and the District of Columbia, and (2) *iron and steel pipe and pipe fittings; and steel*, from points in Pennsylvania, West Virginia, Ohio, and Maryland, to the plantsites and warehouse facilities of

Allied Tube & Conduit Corp., and Allied Rolled Form Products Corp., located at Philadelphia, Pa., and points in the Philadelphia, Pa., commercial zone under continuing contracts with Allied Tube & Conduit Corp. and Allied Rolled Form Products Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128902 (Sub-No. 2) (Amendment), filed September 6, 1968, published FEDERAL REGISTER issue of September 26, 1968, amended October 28, 1968, and republished as amended this issue. Applicant: SCHOENEGGE, INC., Route 20 East, Box 525, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck cab assemblies*, from the plantsite of Superior Coach Co. at Norwalk, Ohio, to Mount Clemens, Mich., and points in Chesterfield Township, Macomb County, Mich., (2) *experimental truck cabs and stampings*, from Mount Clemens, Mich., and points in Chesterfield Township, Macomb County, Mich., to the plantsite of Superior Coach Co. at Norwalk, Ohio, (3) *truck cab assemblies, tools, and fixtures*, between the plantsite of Superior Coach Co. at Norwalk, Ohio, and Detroit, Mich., and (4) *primer*, in drums, from Flint, Mich., to the plantsite of Superior Coach Co. at Norwalk, Ohio, under contract with The Superior Coach Co., Norwalk, Ohio. NOTE: The purpose of this republication is to add points in Chesterfield Township, Macomb County, Mich., to the territorial description in (1) and (2) above. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 129645 (Sub-No. 2), filed October 21, 1968. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper bars, billets, cakes, ingots and slabs*, and (2) *materials, equipment, and supplies*, used in the mining or manufacture of the commodities in (1) above, between points in Ontonagon County, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. NOTE: Applicant holds contract carrier authority under MC 127093 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129808 (Sub-No. 1), filed October 28, 1968. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., Rural

Route No. 3, Box 46, Municipal Airport, Grand Island, Nebr. 68801. Applicant's representative: J. Max Harding, 605 South 14th Street, 300 NSEA Building, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sewing machines and component parts therefor*, from New York, N.Y., to Marysville, Kans., restricted to import traffic, under contract with City Sewing Machine Co. and Investment Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 129979 (Sub-No. 1), filed October 23, 1968. Applicant: AUBREY THOMAS, doing business as DEL RIO MOVING & STORAGE, 103 Avenue J, Del Rio, Tex. Applicant's representative: Wallace H. Nations, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, restricted to shipments having a prior or subsequent movement beyond Texas in specially designed containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between Del Rio, Tex., on the one hand, and, on the other, points in Val Verde County, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 133103 (Sub-No. 1), filed October 28, 1968. Applicant: LOUIS T. BENTON III, doing business as L. T. BENTON TRANSPORT, 122 Derby Avenue, Orange, Conn. 06477. Applicant's representative: William J. Meuser, 101 River Street, Milford, Conn. 06460. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games or toys, athletic or sporting goods*, between West Haven, Conn., and Utica, Binghamton, and Buffalo, N.Y., Taylor, Wilkes Barre, Kingston, Philadelphia, Jamestown, Lebanon, and Lancaster, Pa., Baltimore, Md., Springfield, Mass., Providence, R.I., and Elizabeth, N.J., under contract with Herbert Distributors, Inc., West Haven, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York, N.Y.

No. MC 133172 filed September 16, 1968. Applicant: GREAT SOUTHWEST WAREHOUSES, INC., 5929 East Northwest Highway, Dallas, Tex. 75231. Applicant's representative: W. Scott Clark, Fort Worth Club Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, (a) between Sherman, Tex., and a radius of 50 miles thereof; (b) between Dallas, Tex., and a radius of 50 miles thereof; and, (c) between Houston, Tex., and points in Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 133219 (Sub-No. 1), filed October 25, 1968. Applicant: PARKS TRANSPORTS, INC., Ashland, Nebr. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Fremont, Nebr., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, North Dakota, Oklahoma, South Dakota, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 133230 (Sub-No. 1), filed October 18, 1968. Applicant: ABC MOVING & STORAGE, INC., Stantonburg Road, Post Office Box 619, Greenville, N.C. 27834. Applicant's representative: Alan F. Wohlsetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Used household goods*, between points in North Carolina east of U.S. Highways 301 and 117, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond said points, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 133233 (Sub-No. 1), filed October 25, 1968. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, Council Bluffs, Iowa. Applicant's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, forest products, building, construction, and insulating materials and supplies as defined in Ex Parte MC-45, including but not limited to lumber, forest products, wood products, steel, iron, aluminum, copper, tin, brass, plastics, vinyls, synthetics, clay, fiberglass, wool fibers, asbestos, asphalt, paper, paper products, cement, cement products, minerals, mineral products, mineral wool, vermiculite, glass, and glass products*, when used in combinations of, compositions of, when manufactured from, prefabricated from, laminated or glued with or to finished, primed, printed, painted, stained, preserved, treated, sealed, precut, machined, made with or from any or all of the foregoing or any combinations thereof, (a) between points in Idaho, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Mississippi, Michigan, Indiana, Ohio, and Wyoming; and (b) from points in Louisiana, Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Mississippi,

Michigan, Indiana, Ohio, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Maryland, Connecticut, Massachusetts, and Pennsylvania, to points in Idaho, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, and Mississippi; and (2) *supplies, equipment, and displays*, owned by and moving between warehouses, plants, and yards of William T. Joyce Co. in Iowa, Missouri, Nebraska, Illinois, and Louisiana; under a continuing contract with William T. Joyce Co. NOTE: Applicant states no duplicate authority is herein sought, and no authority is herein sought to transport between points in any one State. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 133235, filed October 10, 1968. Applicant: BILLY G. McCAULEY, Route 2, Box 341 A-1, Muskogee, Okla. 74401. Applicant's representative: Hardy Summers, Fite, Robinson and Summers, Equity Building, Muskogee, Okla. 74401. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Commercial fertilizer*, in bag and bulk, between Houston, Tex., and Cave Springs, Ark., from Houston over combined U.S. Highway 75 and Interstate Highway 45 to Dallas, Tex., thence over U.S. Highway 75 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Oklahoma Highway 33, at or near Chouteau, Okla., thence over Oklahoma Highway 33 to the Oklahoma-Arkansas State line, thence over Arkansas Highway 68 to junction Arkansas Highway 112, and thence over Arkansas Highway 112 to Cave Springs, and return over the same route, serving no intermediate points, under contract with Farmer's Co-op, Cave Springs, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Muskogee, Okla., or Oklahoma City, Okla.

No. MC 133258, filed October 22, 1968. Applicant: CHESTER McFARLAND, Route 40, Grantsville, Md. Applicant's representative: William P. Jackson, Jr., Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spring water*, in containers, from Deer Park, Md., to points in the United States, in and east of Montana, Wyoming, Colorado, and Arizona, and (2) *glass and plastic containers and other packaging materials*, on return, under contract with Deer Park Spring Water Co., Inc., and Altamont Spring Water Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133259 filed October 23, 1968. Applicant: ALLIED AIR FREIGHT CORPORATION, Municipal Airport, Burlington, Vt. 05401. Applicant's representative: Francis E. Barrett, 60 Adams Street, Milton (Boston), Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual

value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between Burlington, Vt., Municipal Airport, on the one hand, and, on the other, points in Lemoille, Caledonia, Grand Isle, Franklin, Orleans, Addison, Washington, Rutland, and Orange Counties, Vt., restricted to traffic having an immediate prior and/or immediate subsequent movement by air. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington or Montpelier, Vt.

MOTOR CARRIERS OF PASSENGERS

No. MC 116712 (Sub-No. 3) filed October 11, 1968. Applicant: MID-AMERICAN COACHES, INC., Eighth and Elm Streets, Washington, Mo. 63090. Applicant's representative: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo. 65101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trips, sightseeing, and pleasure tours, beginning and ending at points upon applicant's presently authorized regular route, and extending to points in the United States. NOTE: (1) Applicant presently holds regular-route authority in MC 116712 and Sub 2 thereunder to transport passengers and their baggage and express and newspapers in the same vehicle with passengers, as follows: MC 116712 (1) Between St. Louis, Mo., and Hannibal, Mo., serving all intermediate points from St. Louis over Alternate U.S. Highway 40 to junction Missouri Highway 79, thence over Missouri Highway 79 to Louisiana, Mo., thence over U.S. Highway 54 to Atlas, Ill., thence over Illinois Highway 96 to junction U.S. Highway 36, thence over U.S. Highway 36 to Hannibal, and return over the same route, and subject to the restriction that no passengers shall be received or discharged (a) at St. Louis, Mo., destined to or from St. Charles, Mo., (b) at Louisiana, Mo., destined to or from Atlas, Ill., or (c) at Hannibal, Mo., destined to or from Hull or Kinderhook, Ill. (2) between St. Louis, Mo. and Hermann, Mo., serving all intermediate points, from St. Louis over Missouri Highway 100 to Hermann and return over the same route, (3) between Washington, Mo., and St. Louis, Mo., serving all intermediate points, from Washington over Missouri Highway 47 to Union, Mo., and thence over U.S. Highway 50 to St. Louis, and return over the same route, and (4) between junction U.S. Highway 50 and Missouri Highway 141, at or near Valley Park, Mo., and junction Missouri Highway 141 and Missouri Highway 100, serving all intermediate points, from junction U.S. Highway 50 and Missouri Highway 141 over Missouri Highway 100, and return over the same route; and MC 116712 (Sub-No. 2): between junction U.S. Highway 50 and Missouri Highway 47, located at Union, Mo., and junction Missouri Highway 47 and 100, located at Washington, Mo., as an alternate route for operating

convenience only, in connection with carrier's otherwise authorized regular route operations, serving no intermediate points, from junction U.S. Highway 50 and Missouri Highway 47, over Missouri Highway 47 to junction Missouri Highway 100, and return over the same route. (II) If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Jefferson City, Mo.

No. MC 133048 (Sub-No. 2), filed October 29, 1968. Applicant: JAMES D. KENNY AND B. R. LINDSEY, a partnership, doing business as PIONEER TRANSIT LINES, Casper, Wyo. 82601. Applicant's representative: Harry E. Leimback, 1445 South Poplar, Casper, Wyo. 82601. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage, and express and newspapers*, in the same vehicles with passengers, (a) between Casper, Wyo., and Rawlins, Wyo., from Casper, over Wyoming Highway 220 to junction U.S. Highway 287 at Three Forks, Wyo., thence over U.S. Highway 287, to Rawlins, and return over the same route, serving all intermediate points; and, (b) between Casper, Wyo., and Medicine Bow, Wyo., from Casper, to a point approximately 18 miles over Wyoming Highway 220, southwest with junction Wyoming Highway 487, thence over Wyoming Highway 487 to Medicine Bow, and return over the same route, serving all intermediate points; and, (2) *IRREGULAR ROUTES: Passengers and their baggage* in charter operations, beginning and ending at points in either Carbon or Natrona Counties, Wyo., and extending to points in the United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Casper or Cheyenne, Wyo.

APPLICATIONS FOR FREIGHT FORWARDER

No. FF-245 (Sub-No. 3) Empire Household Shipping Company of New York, Inc., extension—eastbound, filed October 25, 1968. Applicant: EMPIRE HOUSEHOLD SHIPPING COMPANY OF NEW YORK, INC., 160 Broadway, New York, N.Y. 10038. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought under section 410, Part IV of the Interstate Commerce Act to extend operations as a freight forwarder in interstate of foreign commerce, through the use of facilities of common carriers by motor vehicle in the transportation of *used household goods and used automobiles*, (1) from points in California, Washington, and Oregon, to points in Texas and Oklahoma; and, (2) from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. FF-355 Burnham World Forwarders, Inc., freight forwarder application, filed October 31, 1968. Applicant: BURNHAM WORLD FORWARDERS, INC., 1632 Second Avenue, Columbus, Ga.

Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought under Part IV of the Interstate Commerce Act as a freight forwarder in interstate or foreign commerce, through the use of facilities of common carriers by railroad, express, water, air, and motor vehicle in the transportation of *household goods*, as defined by the Commission in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 9115 (Sub-No. 57), filed October 30, 1968. Applicant: O. N. C. MOTOR FREIGHT SYSTEM, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Ore. 97204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods and those requiring special equipment, serving points within a 5-mile radius of Halsey, Ore., as an off-route point in connection with carrier's presently authorized regular route authority.

No. MC 42487 (Sub-No. 704), filed October 30, 1968. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: William B. Adams, 624 Pacific Building, Portland, Ore. 97204. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except petroleum products in bulk in tank vehicles, to serve points within a 5-mile radius of Halsey, Ore., in connection with applicant's present authority.

No. MC 133014 (Amendment), filed July 5, 1968, published in the FEDERAL REGISTER issue of August 22, 1968, and republished as amended this issue. Applicant: WOODCREST L & S CO., a corporation, 8558 South Kildare Avenue, Chicago, Ill. 60652. Applicant's representative: Clive D. Kamins, 33 North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities requiring special equipment), (1) between the Aldens, Inc., truck depot and warehouses and their adjacent loading docks located in the Chicago, Ill., commercial zone as defined by the Commission, on the one hand, and, on the other, all retail outlets, catalogue order establishments, and other places of business owned, operated, leased, or managed by Aldens, Inc., located at points in Ohio, Michigan, Illinois, Indiana, Missouri, Iowa, Wisconsin, Minnesota, and Kentucky, and (2) from the suppliers of Aldens, Inc., located in the States listed above in (1) to the Aldens, Inc., truck depot and warehouses and their adjacent loading docks located in the Chicago, Ill., commercial zone.

and return shipments, in the reverse direction; all under contract with Aldens, Inc. Note: The purpose of this republication is to (a) add the State of Kentucky in lieu of the Louisville, Ky., commercial zone, to the territorial description, and (b) more clearly set forth the service proposed in item (2) above.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 127), filed October 17, 1968. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and of express and newspapers*, in the same vehicle with passengers, (38) between junction California Highways 121 and 116 (Schellville junction), and Petaluma, Calif., over California Highway 116, as an alternate route for operating convenience only, serving no intermediate points, (40) between junction California Highways 121 and 37 (Sears Point), and North Vallejo, Calif., over California Highway 37 to junction California Highway 29 (North Vallejo), restricted to service conducted in special operations only, serving all intermediate points, (61), between junction U.S. Highway 395 and the Nevada-California State line north of Coleville and Sausalito, Calif., from junction U.S. Highway 395 and the Nevada-California State line over U.S. Highway 395 to junction California Highway 178 (East Inyokern Junction), thence over California Highway 178 to junction California Highway 14 (Inyokern Junction), thence over California Highway 14 to junction unnumbered highway (North Palmdale Junction), thence over unnumbered highway to junction California Highway 14 (Vincent Junction), thence over California Highway 14 to junction unnumbered highway east of Sausalito (North Sausalito Road Junction), thence over unnumbered highway to Sausalito. (Connects with Nevada route 2), serving all intermediate points.

(63) Between North Inyokern Junction and Inyokern Junction Calif., from junction U.S. Highway 395 and California Highway 14 (North Inyokern Junction), over California Highway 14 to junction California Highway 178 (Inyokern Junction), as an alternate route for operating convenience only, serving no intermediate points, (64) between the U.S. Naval Test Station (east of Inyokern), and East Inyokern Junction, Calif., over California Highway 178, to junction U.S. Highway 395 (East Inyokern Junction), serving all intermediate points, (78) between Sunrise Boulevard Interchange and Sunrise Boulevard Junction, Calif., from junction U.S. Highway 50 and Sunrise Boulevard (Sunrise Boulevard Interchange), over Sunrise Boulevard, to junction Grant Line Road (Sunrise Boulevard Junction), as an alternate route for operating convenience only serving no intermediate points, (80) between Sac-

ramento and Oakland, Calif., from Sacramento over Interstate Highway 80, to junction unnumbered highway west of Sacramento (Broderick Junction), thence over unnumbered highway (West Capitol Avenue), to junction Interstate Highway 80 (Yolo Causeway), thence over Interstate Highway 80 to junction unnumbered highway north of Fairfield (North Fairfield Junction), thence over unnumbered highway via Fairfield to junction Interstate Highway 80 west of Fairfield (West Fairfield Junction), thence over Interstate Highway 80 to junction unnumbered highway via Rodeo, Pinole, and Richmond, to junction Carlson Boulevard and Interstate Highway 80 (West El Cerrito), thence over Interstate Highway 80 to East Bay Traffic Distribution Structure (Oakland), and return over the same route, serving all intermediate points.

(82) Between Milk Farm and West Dixon, Calif., from junction Interstate Highway 80 and California Highway 113 (Milk Farm), over California Highway 113 to Dixon, thence over unnumbered highway to junction Interstate Highway 80 west of Dixon (West Dixon), serving all intermediate points, (116) between San Francisco and Los Angeles, Calif., from San Francisco over San Francisco-Oakland Bay Bridge to Oakland, thence over unnumbered highway via San Leandro and Hayward, to junction Interstate Highway 580 northeast of Hayward (Hayward Junction), thence over Interstate Highway 580, to junction U.S. Highway 50 (Chrisman Road Junction), thence over U.S. Highway 50 via Tracy to junction California Highway 120 (San Joaquin Bridge), thence over California Highway 120 to Manteca, then over unnumbered highway to junction California Highway 99 south of Manteca (South Manteca), thence over California Highway 99 to junction unnumbered highway (North Modesto Junction), thence over unnumbered highway to junction California Highway 99 (South Modesto Junction), thence over California Highway 99 to junction unnumbered highway (North Merced Junction), thence over unnumbered highway to junction California Highway 99 (South Merced Junction), thence over California Highway 99 to Fresno, thence over unnumbered highway to junction California Highway 99 (Kingsburg Junction), thence over California Highway 99 to junction unnumbered highway (North Bakersfield Junction), thence over unnumbered highway to junction California Highway 99 (South Bakersfield Junction), thence over California Highway 99 to junction Interstate Highway 5 (Maricopa Junction), thence over Interstate Highway 5 to junction unnumbered highway (San Fernando Junction), thence over unnumbered highway to junction California Highway 163 (Colorado Boulevard Junction), thence over California Highway 163 to Los Angeles, and return over the same route, serving all intermediate points.

(120) Between Dublin and South Dublin Junction, Calif., over California Highway 21 to junction Interstate Highway 580 (South Dublin Junction), serv-

ing all intermediate points (123), between Livermore and San Jose, Calif., from Livermore over unnumbered highway via Pleasanton to junction Interstate Highway 680 (West Pleasanton), thence over Interstate Highway 680 to junction unnumbered highway (South Pleasanton Junction), thence over unnumbered highway to junction California Highway 21, thence over California Highway 21 to junction Interstate Highway 680 (Scott's Corner), thence over Interstate Highway 680 to junction California Highway 238 (North Mission Junction), thence over California Highway 238 to San Jose, and return over the same route, serving all intermediate points, and (137) between Alamo Canal Junction and West Pleasanton, Calif., from junction Interstate Highways 580 and 680 (Alamo Canal Junction), over Interstate Highway 680 to junction unnumbered highway (West Pleasanton), serving all intermediate points. The above routes are revisions from a portion of applicant's Certificate under MC 1515 (Sub-No. 7).

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13700; Filed, Nov. 14, 1968; 8:45 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 12, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41494—Return shipment of starch from and to points in IFA territory. Filed by Illinois Freight Association, agent (No. 335), for interested rail carriers. Rates on returned shipments of starch, in carloads, in airslide or covered hopper cars, from original destination to origin, between points in Illinois Freight Association territory, on the one hand, and points in southern territory, on the other.

Grounds for relief—Carrier competition.

By the Commission

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13771; Filed, Nov. 14, 1968; 8:47 a.m.]

[Notice 730]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 12, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49

CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2860 (Sub-No. 46 TA), filed November 1, 1968. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from Chicago and Deerfield, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and Washington, D.C., for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 410 Post Office Building, Trenton, N.J. 08608.

No. MC 96619 (Sub-No. 4 TA) (Correction), filed October 23, 1968, published in the FEDERAL REGISTER issue of October 30, 1968, and republished as corrected, this issue. Applicant: FEDERAL TRANSFER CO., INC., 270 South Hanford, Seattle, Wash. 98134. Applicant's representative: Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Seattle, Wash., and points in Washington; *Heavy machinery and building materials* (excluding cement in bulk, in tank or bottom dump vehicles or similar specialized equipment), between points in Washington, for 150 days. Note: The purpose of this republication is to correct the commodity description. Supporting shippers: (1) Hullin Terminal Warehouse, by Paul R. Dever, vice president, 270 South Hanford, Seattle, Wash. 98134; (2) John Morrell & Co., by J. W. Hunter, Seattle, Wash., manager, 270 South Hanford, Seattle, Wash. 98134; (3) Cerro Copper & Brass Co., by A. D. Cranmer, district sales manager, 270 South Hanford, Seattle, Wash. 98134; (4) Republic Carloading by Ken Doak, Seattle office manager, 75 South Massachusetts, Seattle, Wash. 98134. Send protests to: E. J. Casey, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 118159 (Sub-No. 56 TA), filed November 4, 1968. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. 70121. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in containers, from Gretna, La., to points in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, Texas, and points in Florida west of the Apalachicola River, for 180 days. Supporting shipper: The Louisiana Coca-Cola Bottling Co., Ltd., 1050 South Jefferson Davis Parkway, Post Office Drawer 50400, New Orleans, La. 70150. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 128279 (Sub-No. 5 TA), filed November 6, 1968. Applicant: ARROW FREIGHTWAYS, INC., Post Office Box 783, Albuquerque, N. Mex. 87110. Applicant's representative: Jerry R. Murphy, 708 La Veta Drive NE, Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Pueblo, Colo., to Albuquerque, N. Mex., for 180 days. Supporting shippers: Hydro Conduit Corp., Post Office Box 1609, Albuquerque, N. Mex. 87103; Rio Grande Steel, 628 West Maple Street, Farmington, N. Mex. 76401; W & W Steel Co., Post Office Box 6007, Albuquerque, N. Mex. 87107; Cobusco Steel Products, 2403 First Street NW, Albuquerque, N. Mex. 87107; Eidal International Corp., 250 Woodward Road SE, Albuquerque, N. Mex. 87103. Send protests to:

No. MC 124241 (Sub-No. 4 TA), filed November 4, 1968. Applicant: REX WELLS AND RAY WELLS, a partnership, doing business as WELLS BROTHERS, 584 Sparks, Post Office Box 482, Twin Falls, Idaho 83301. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, Idaho 83701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, fresh and frozen*, from Buhl, Idaho, to Seattle and Spokane, Wash., for 180 days. Under contract with, and supported by: Carter Packing Co., Buhl, Idaho 83316. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, Idaho 83702.

No. MC 133227 (Sub-No. 1 TA), filed November 4, 1968. Applicant: MARK HEARD MILLING COMPANY, INC., Route 1, Box 49, Cumming, Ga. 30130. Applicant's representative: H. D. Holman (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients*, between points within a 50-mile radius of Cumming, Ga., for 180 days. Under con-

tract with, and supported by: The Quaker Oats Co., Chicago, Ill. 60654. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW, Atlanta, Ga. 30309.

No. MC 133266 TA, filed November 4, 1968. Applicant: CHARLES F. PFEIL, doing business as EASY WAY MOBILE HOME MOVING, 4000 Ninth Street, Baker, Ore. 97814. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be transported by passenger automobiles, in secondary movements, between points in Baker County, Ore., on the one hand, and, on the other, points in Nez Perce, Lewis, Idaho, Adams, and Washington Counties, Idaho, and points in Asotin, Garfield, Columbia, and Walla Walla Counties, Wash., for 180 days. Supporting shippers: Loran Corcoran, Mountain View Trailer Court, Baker, Ore. 97814; Phil Stevenson, 3797 10th Street, Baker, Ore. 97814; O. K. Trailer Sales, 3010 10th Street, Baker, Ore. 97814; Verlene Roush, Post Office Box 653, Baker, Ore. 97814. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 120 Southwest Fourth Avenue, Portland, Ore. 97204.

No. MC 133267 TA, filed November 4, 1968. Applicant: STEADMAN TRUCKING COMPANY, a corporation, Stone Drive, Kingsport, Tenn. 37662. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone, pea gravel, lime, and sand*, from the plant sites of Vulcan Materials Co., located in Sullivan, Washington, and Unicoi Counties, Tenn., to points in Scott, Lee, Washington, Wise, and Russell Counties, Va., for 180 days. Under contract with, and supporting by: Vulcan Materials Co., Post Office Box 7, Knoxville, Tenn. 37901. Send protests to: J. E. Gamble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13772; Filed, Nov. 14, 1968; 8:48 a.m.]

[S.O. 994, ICC Order No. 14-A]

BELT RAILWAY COMPANY OF CHICAGO

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 14 (Belt Railway Company of Chicago), and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 14 be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 5 p.m., November 7, 1968.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 7, 1968.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[F.R. Doc. 68-13773; Filed, Nov. 14, 1968;
8:48 a.m.]

[No. 35050]

INTRASTATE SHIPMENTS MOVING VIA AN INTERSTATE ROUTE

Applicable Rates

NOVEMBER 1, 1968.

Notice is hereby given that Central States Motor Freight Bureau, Inc., by its attorney, John W. McFadden, Jr., 316 East Ohio Street, Chicago, Ill. 60611, has filed a petition with the Interstate Commerce Commission praying that the Commission enter a declaratory order, pursuant to section 5(d) of the Administrative Procedure Act, determining whether intrastate or interstate rates apply on shipments from and to points within the same State, when moved solely for the carrier's operating convenience via an adjacent State. The carrier has appropriate intrastate and interstate authority to perform the transportation, and the extent of its operating authority is not at issue.

Any persons interested in any of the matters in the petition, may, on or before 30 days from the publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. An original and 15 copies of such replies must be filed with the Commission and must show service of 2 copies upon the petitioners' attorney at the above address.

Notice of the filing of this petition will be given by publication in the FEDERAL REGISTER.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13774; Filed, Nov. 14, 1968;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Numbers AA-2779, F-955]

ALASKA

Notice of Hearing on Proposed Classification of Lands

Notice is hereby given that a public hearing will be held at 2 p.m., Friday,

November 29, 1968, at the Glennallen High School in Glennallen, Alaska, to consider the proposed land classification within the Copper River Basin located east of Anchorage and south of Fairbanks segregating approximately 23 million acres. Notice of proposed classification was published in the FEDERAL REGISTER on May 16, 1968, volume 33, pages 7264-7265.

The hearing officials will welcome the views of interested parties in favor of or in opposition to the proposal. All interested persons who desire to be heard on the subject can either appear in person at the hearing or submit written statements. The record will remain open until December 13, 1968, for submission of written statements to the District Manager, Anchorage District Office, Bureau of Land Management, 4700 East 72d Avenue, Anchorage, Alaska 99502.

JAMES W. SCOTT,
District Manager.

NOVEMBER 8, 1968.

[F.R. Doc. 68-13793; Filed, Nov. 14, 1968;
8:49 a.m.]

[Groups 331, 374]

ARIZONA

Notice of Filing of Plats of Survey

NOVEMBER 7, 1968.

1. Plats of survey of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m. December 13, 1968:

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 2 W.,
Secs. 1 to 36, inclusive.
T. 12½ N., R. 2 W. (fractional),
Secs. 19 to 36, inclusive.

The areas described aggregate 27,531.80 acres.

2. All of township 12 N., R. 2 W., is generally mountainous, and the soil is rocky. The northern portion of the township is forested with trees such as fir, cedar, spruce, and pine. The southern portion is also forested with trees, such as mesquite, juniper, and pinon pine. The undergrowth generally consists of oak brush, mountain laurel, manzanita, and some desert plants.

Fractional township 12½ N., R. 2 W., is mountainous. The soil is shallow, gravelly loam. There is dense growth of timber in the east one-half of the township. The west portion is blanketed with manzanita, mahogany, and desert plants.

3. All of the above-described lands are embraced in Prescott National Forest by Proclamation 6 of October 21, 1899.

Since the lands are withdrawn for the Prescott National Forest the described lands will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

ROY T. HELMANDOLLAR,
Acting Manager.

[F.R. Doc. 68-13740; Filed, Nov. 14, 1968;
8:45 a.m.]

[C-7921]

COLORADO

Notice of Proposed Classification of Public Lands for Multiple-Use Management

NOVEMBER 6, 1968.

1. Pursuant to the act of September 19, 1964 (43 U.S.C. 1411-1418) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the areas described below. Publication of this notice has the effect of segregating all the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171). All the described lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws. As used in this order, the term "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands proposed for classification are located within the following described area and are shown on maps on file in the Glenwood Springs District Office, Bureau of Land Management, Room 207, Post Office Building, Post Office Box 1009, Glenwood Springs, Colo. 81601, and Land Office, Bureau of Land Management, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. 80202.

SIXTH PRINCIPAL MERIDIAN, COLORADO

GARFIELD AND EAGLE COUNTIES

T. 5 S., R. 88 W.,
Sec. 31.
T. 5 S., R. 89 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 25 to 36, inclusive.
T. 5 S., R. 89½ W.,
Secs. 24, 25, and 36.
T. 5 S., R. 90 W.,
Secs. 1 to 28, inclusive;
Sec. 30;
Sec. 35;
Sec. 36, NE¼ NE¼ and S¼.
T. 5 S., R. 91 W.,
Sec. 24.
T. 6 S., R. 87 W.,
Sec. 3, Lots 1, 2, 3, and 4;
Secs. 4 to 7, inclusive;
Secs. 9, 16, 18, 19, 29, 30, and 31.
T. 6 S., R. 88 W.,
Secs. 17 to 19, inclusive;
Secs. 25, 26, and 36.
T. 6 S., R. 89 W.,
Secs. 1 to 4, inclusive;
Secs. 6, 7, and 8;
Secs. 10 to 19, inclusive;
Secs. 21 to 24, inclusive;
Secs. 25, 26, and 28;
Secs. 30 to 34, inclusive;
Sec. 36.

- T. 6 S., R. 90 W.,
 Sec. 1;
 Sec. 2, lot 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
 N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Secs. 3, 4, and 5;
 Secs. 7, 8, and 9;
 Secs. 11, 12, and 13;
 Secs. 15, 21, 22, 25, 27, and 28;
 Secs. 30 to 36, inclusive.
- T. 6 S., R. 91 W.,
 Secs. 3 and 4;
 Secs. 9 to 15, inclusive;
 Secs. 23, 24, 25, and 36.
- T. 7 S., R. 87 W.,
 Secs. 7, 11, 14, 18, 23, 26, 32, and 35.
- T. 7 S., R. 88 W.,
 Secs. 1 to 3, inclusive;
 Secs. 7 to 12, inclusive;
 Secs. 15 to 18, inclusive;
 Secs. 20 to 23, inclusive;
 Secs. 26 to 28, inclusive;
 Secs. 30 to 32, inclusive.
- T. 7 S., R. 89 W.,
 Secs. 3 to 7, inclusive;
 Sec. 9;
 Secs. 11 to 13, inclusive;
 Secs. 15 and 16;
 Secs. 24, 25, 35, and 36.
- T. 7 S., R. 90 W.,
 Sec. 1;
 Secs. 4 to 9, inclusive;
 Secs. 12 and 13;
 Secs. 16 and 17;
 Sec. 18, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Secs. 24 to 27, inclusive;
 Secs. 34 to 36, inclusive.
- T. 7 S., R. 91 W.,
 Secs. 1 and 12.
- T. 8 S., R. 86 W.,
 Secs. 3 to 6, inclusive;
 Secs. 8 to 10, inclusive (that portion in Eagle County).
- T. 8 S., R. 87 W.,
 Sec. 2;
 Secs. 4 to 11, inclusive (that portion in Eagle County).
- T. 8 S., R. 88 W.,
 Secs. 1, 5, and 6;
 Secs. 7, 8, 9, and 12 (that portion in Garfield County).
- T. 8 S., R. 89 W.,
 Secs. 1, 2, and 12.

The total acres of public lands described aggregate approximately 75,603.25 acres. (71,175.25 acres, Garfield County; 4,428 acres, Eagle County).

3. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, Room 207, Post Office Building, Post Office Box 1009, Glenwood Springs, Colo. 81601.

4. A public hearing on the proposed classification will be held at 10 a.m., December 4, 1968, in Room 202, Post Office Building, Glenwood Springs, Colo. 81601.

E. I. ROWLAND,
 State Director.

[F.R. Doc. 68-13741; Filed, Nov. 14, 1968;
 8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

NOVEMBER 7, 1968.

1. The Plats of Survey of lands described below will be officially filed at the

Nevada Land Office, Reno, Nev., effective 10 a.m. on December 16, 1968.

MOUNT DIABLO MERIDIAN, NEVADA

- a. T. 16 N., R. 35 E. (Group 441).
- b. T. 16 N., R. 36 E. (Group 437).
- c. T. 16 N., R. 37 E. (Group 437).
- d. T. 17 N., R. 37 E. (Group 437).
- e. T. 9 N., R. 42 E. (Group 438).
- f. T. 9 N., R. 43 E. (Group 438).

2. a. The surveyed area in T. 16 N., R. 35 E. aggregates 23,678.77 acres. The plat was accepted October 2, 1968. The elevation varies from about 4,400 to 6,400 feet above sea level. The terrain is principally mountainous with fringe areas of rolling and nearly level land. The soil is generally sandy clay with gravel. There is no timber and vegetation consists of sagebrush and rabbitbrush. There are some inactive mines in the area. Access is provided by Nevada State Highway No. 23.

b. Surveyed area in T. 16 N., R. 36 E. aggregates 23,678.82 acres. The plat was accepted October 2, 1968. The elevation varies from 4,800 to 7,300 feet above sea level. The terrain is mountainous to rolling and gently rolling. The soil varies from sandy clay to sandy loam. There are juniper and pinon in the mountainous areas. There were no water sources noted. There are some abandoned mines in the township. Access to the township is marginal and is provided through several dead end trail roads.

c. The surveyed area in T. 16 N., R. 37 E. aggregates 15,751.27 acres. The plat was accepted October 2, 1968. The elevation varies from 5,300 to 8,000 feet above sea level. The terrain varies from mountainous to gently rolling. The soil is principally sandy clay. There are scattered stands of juniper and pinon at the higher elevations. Drainage is generally to the north northwest. No significant mineral deposits were noted. Access to the area is provided by U.S. Highway No. 50.

d. The surveyed area in T. 17 N., R. 37 E. aggregates 15,689.71 acres. The plat was accepted October 2, 1968. The elevation varies from 5,200 to 7,600 feet above sea level. The terrain varies from mountainous to gently rolling. The soil is principally sandy clay. There are scattered stands of juniper and pinon at the higher elevations. Drainage is generally to the west and southwest. No significant mineral deposits were noted. Access is provided by U.S. Highway No. 50 and numerous secondary and trail roads.

e. The surveyed area in T. 9 N., R. 42 E. aggregates 3,973.46 acres. The plat was accepted September 27, 1968. The elevation ranges from 5,700 to 6,400 feet above sea level. The soil is sandy loam, gravel and rocky. Vegetation consists of shadscale, sagebrush, and native grasses. There is a small amount of juniper and pinon. No mineral formations of consequence were noted. Access is by trail roads. The majority of the township is within the Toiyabe National Forest.

f. The surveyed area in T. 9 N., R. 43 E. aggregates 3,905.41 acres. The plat was accepted September 27, 1968. The elevation ranges from 5,800 to 7,500 feet above sea level and is nearly level ex-

cept the southeast corner which is rolling to gently rolling. The soil is sandy loam, gravel and rocky. Vegetation consists of shadscale, sagebrush, and native grasses. No mineral formations of consequence were noted. Access is provided by State Highway No. 8A. Other access is provided by graded, trail and desert roads.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications under the Small Tract, Desert Land and Homestead Laws, in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the manager mentioned below, beginning on the date of the order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. December 16, 1968, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
 Manager, Nevada Land Office.

[F.R. Doc. 68-13742; Filed, Nov. 14, 1968;
 8:45 a.m.]

[Serial No. N-209, etc.]

NEVADA

Notice of Termination of Proposed Classification

NOVEMBER 7, 1968.

Serial Nos. N-209, 210, 211, 212, 213, 376, 569, 1033.

The Secretary of the Interior exercised his supervisory authority and vacated the classification effected by F.R. Doc. 68-5680, appearing on pages 7123-7125, of the issue for May 14, 1968, as to the following lands:

MOUNT DIABLO MERIDIAN

T. 17 S., R. 50 E.,
Sec. 21, Lots 5, 6;
Sec. 28, E½NE¼.

Consistent with the Secretary's action, the proposed classification and the segregation effected by the Notice of Proposed Classification F.R. Doc. 67-8103, appearing on page 10377 of the issue for July 14, 1967, are hereby terminated as to the above described lands.

ROLLA E. CHANDLER,

Acting State Director, Nevada.

[F.R. Doc. 68-13762; Filed, Nov. 14, 1968;
8:47 a.m.]

[Serial No. N-1427]

NEVADA

Notice of Public Sale; Correction

NOVEMBER 8, 1968.

In F.R. Doc. 68-11503, appearing on page 14330 of the issue of September 21, 1968, the following change should be made: Paragraph 4, relating to improvements on the land and filing of liens, is hereby deleted.

ROLLA E. CHANDLER,

Manager, Nevada Land Office.

[F.R. Doc. 68-13763; Filed, Nov. 14, 1968;
8:47 a.m.]

Office of the Secretary

RALPH F. BOVIER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 29, 1968.

Dated: October 29, 1968.

RALPH F. BOVIER.

[F.R. Doc. 68-13744; Filed, Nov. 14, 1968;
8:46 a.m.]

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 31, 1968.

Dated: October 31, 1968.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 68-13745; Filed, Nov. 14, 1968;
8:46 a.m.]

FRANK DRAKE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 31, 1968.

Dated: November 4, 1968.

FRANK T. DRAKE.

[F.R. Doc. 68-13746; Filed, Nov. 14, 1968;
8:46 a.m.]

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Metropolitan Edison Co.—3.8%—preferred—3 shares; First National Bank of Bernville—common—4 shares; N.Y. State Electric & Gas Corp.—common—8 shares; General Public Utilities Corp.—common—93 shares; David Crystal Inc.—common—25 shares; Halls Motor Transport—common—25 shares; A.T. & T.—common—10 shares; North American Rockwell Corp.—common—10 shares; Philadelphia Electric Co.—common—50 shares.
- (3) No change.
- (4) No change.

This statement is made as of October 30, 1968.

Dated: October 30, 1968.

F. STUART FEHR.

[F.R. Doc. 68-13747; Filed, Nov. 14, 1968;
8:46 a.m.]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of October 14, 1968.

Dated: October 30, 1968.

DONALD B. GREGG.

[F.R. Doc. 68-13748; Filed, Nov. 14, 1968;
8:46 a.m.]

WILLIAM C. PORTER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of October 31, 1968.

Dated: October 31, 1968.

WILLIAM C. PORTER, JR.

[F.R. Doc. 68-13749; Filed, Nov. 14, 1968;
8:46 a.m.]

GEORGE LESTER WILKINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

- (1) No change.
- (2) Deletions—Dome Mining.
- (3) No change.
- (4) No change.

This statement is made as of October 31, 1968.

Dated: October 31, 1968.

GEORGE L. WILKINS.

[F.R. Doc. 68-13750; Filed, Nov. 14, 1968;
8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TEXAS

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas, natural disasters have caused a need for

agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Armstrong.	Hardeman.
Carson.	Hartley.
Castro.	Hunt.
Childress.	Hutchinson.
Cochran.	Lamar.
Collin.	Lamb.
Collingsworth.	Lipscomb.
Crosby.	Lubbock.
Dallam.	Lynn.
Deaf Smith.	Moore.
Delta.	Motley.
Donley.	Navarro.
Fannin.	Ochiltree.
Floyd.	Oldham.
Foard.	Parmer.
Garza.	Sherman.
Gray.	Swisher.
Hale.	Terry.
Hall.	Wilbarger.
Hansford.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1969, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 12th day of November 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-13756; Filed, Nov. 14, 1968;
8:46 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

UNIVERSITY OF PITTSBURGH ET AL. Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division,

Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket number: 69-00225-33-46040. Applicant: University of Pittsburgh, 5th and Bigelow Avenues, Pittsburgh, Pa. 15213. Article: Electron Microscope, Model EM 300 and accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article will be used for biological research and graduate student teaching. The biological research concerned is as follows:

1. The characterization of the cell death process during insect and anuran metamorphosis.
2. Intracellular localization of lysosomal enzymes by electron microscope cytochemistry.
3. The ultrastructural characterization of pigment formation in testes of genetic mutants of *Ephestia*.

Several projects will be performed as both teaching aids and dissertation research by graduate students. Application received by Commissioner of Customs: October 11, 1968.

Docket number: 69-00227-31-01720. Applicant: University of Virginia, Research Laboratories for the Engineering Sciences, Thornton Hall, Charlottesville, Va. 22901. Article: Three-Channel Thyristor Power Amplifier. Manufacturer: Oerlikon Engineering Co. (Brown-Boveri), Switzerland.

Intended use of article: The article will be a component subsystem of a magnetic wind tunnel balance. Specifically, the article will be used to supply and control the currents flowing in the cryogenic magnetic support coils in response to an error signal derived from the model position. Application received by Commissioner of Customs: October 14, 1968.

Docket number: 69-00228-33-79400. Applicant: Sloan-Kettering Institute for Cancer Research, 410 68th Street, New York, N.Y. 10021. Article: two Glass Syringes for an Automatic "Tar" Applicator. Manufacturer: Degussa, West Germany. Intended use of article: The article will be utilized as an accessory to an existing tar applicator used for biological experiments with tobacco tar. Application received by Commissioner of Customs: October 14, 1968.

Docket number: 69-00229-33-77040. Applicant: New England Institute, Post Office Box 308, Grove Street, Ridgefield, Conn. 06877. Article: Mass Spectrometer, Model MS 902. Manufacturer: Associated Electrical Industries Ltd., United Kingdom. Intended use of article: The article will be used in a program on the isolation and identification of biomedical host defense stimulants from shark liver extracts. These stimulant materials, as yet unidentified, are the most potent materials yet reported for increasing the

body's resistance to disease. Very significant decreases in mortality and/or increases in survival time have been obtained in experimental animals with the following diseases:

Salmonella typhimurium, *Vaccinia virus*, Rous sarcoma, Sarcoma 180, Walker carcinoma, Ehrlich Ascites carcinoma, Friend leukemia, Burn shock and Endotoxin shock. Application received by Commissioner of Customs: October 15, 1968.

Docket number: 69-00230-33-54600. Applicant: Carnegie-Mellon University, Mellon Institute, 4400 Fifth Avenue, Pittsburgh, Pa. 15213. Article:

1. Lipson Optical Diffractometer with 2½" standard lens.
2. Pantograph Punch.

Manufacturer: The Rank Organisation, Rank Pullin Controls, United Kingdom. Intended use of article: This set of articles will be used almost exclusively for analysis of biological structures such as muscle and nerve tissues. The optical diffractometer will be used in analysis of electron microscope plates and X-ray diffraction structures, and the pantograph punch to produce a model pattern of trial structures. Application received by Commissioner of Customs: October 15, 1968.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 68-13733; Filed, Nov. 14, 1968;
8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
CHAS. PFIZER & CO., INC.

Notice of Withdrawal of Petition for Food Additive Oxytetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Chas. Pfizer & Co., Inc., 235 East 42d Street, New York, N.Y. 10017, has withdrawn its petition, notice of which was published in the FEDERAL REGISTER of May 21, 1968 (33 F.R. 7502), proposing the issuance of a food additive regulation to provide for the safe use of oxytetracycline hydrochloride for intramuscular or intravenous injection of cattle and swine in the treatment of diseases due to or associated with oxytetracycline-susceptible organisms.

Dated: November 6, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13777; Filed, Nov. 14, 1968;
8:48 a.m.]

Office of the Secretary PUBLIC HEALTH SERVICE

Statement of Organization and Functions and Delegations of Authority

Part 4 (Public Health Service) of the Statement of Organization and Functions and Delegations of Authority for the Department of Health, Education, and Welfare (32 F.R. 9739 et seq., July 4, 1967), as amended is hereby amended as follows:

With regard to section 4-B, Organization and Functions—In the section on the National Library of Medicine (2300), delete paragraph 2321, Office of the Associate Director for Research and Development, and insert after the Office of Computer and Engineering Services (2325), the following:

Lister Hill National Center for Biomedical Communications (2328).

(1) Designs, develops, implements, and manages a Biomedical Communications Network; (2) assists the biomedical community in identifying and developing products and services for dissemination through the network; (3) develops networks and information systems to improve health education, medical research, and the delivery of health services; (4) applies technology to the improvement of biomedical communications; (5) represents DHEW in Federal activities related to biomedical communications activities; and (6) serves as the focal point in the Department for development and coordination of biomedical communications, systems, and network projects.

Dated: November 8, 1968.

DONALD F. SIMPSON,
Assistant Secretary
for Administration.

[F.R. Doc. 68-13778; Filed, Nov. 14, 1968;
8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Notice of Proposed Issuance of Provisional Operating License

Please take notice that the Atomic Energy Commission (the "Commission") is considering the issuance of a provisional operating license, set forth below, which would authorize the General Electric Co. (General Electric) and Southwest Atomic Energy Associates (SAEA), with General Electric acting for itself and for SAEA, to possess, use, and operate the plutonia-uranium-fueled, fast spectrum, sodium-cooled experimental reactor. The reactor, known as the Southwest Experimental Fast Oxide Reactor (SEFOR), is located in Cove Creek Township, Washington County, Ark., approximately 19 miles southwest of Fayetteville, Ark.

The reactor is designed to operate at approximately 20 megawatts thermal,

but initial operation will be limited to 1 megawatt thermal to permit initial fuel loading and testing, pending completion of the evaluation of full power operation as proposed. The license authorizes operation of the reactor at power levels up to 1 megawatt thermal, and incorporates appropriate technical specifications. Further public notice in accordance with the Commission's rules of practice, 10 CFR Part 2 will be given prior to the issuance of any license amendment authorizing operation at higher power levels.

Prior to issuance of the provisional operating license, the facility will be inspected by representatives of the Commission to determine whether it has been constructed in accordance with the provisions of Provisional Construction Permit No. CPPR-17 issued by the Commission on September 21, 1965, to the extent necessary for the conduct of all operations except for certain transient experiments utilizing the Fast Reactor Excursion Device. Upon issuance of the provisional operating license, General Electric Co. and Southwest Atomic Energy Associates will be required to execute an indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140 of the Commission's regulations.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this proposed provisional operating license, see (1) the application for provisional operating license, as amended (Amendments Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 to the license application, dated July 25, 1967, December 5, 1967, December 27, 1967, January 18, 1968, February 14, 1968, February 29, 1968, February 29, 1968, March 2, 1968, March 11, 1968, April 25, 1968, May 17, 1968, May 24, 1968, July 18, 1968, August 6, 1968, September 25, 1968, September 27, 1968, September 30, 1968, October 1, 1968, and October 9, 1968, respectively); (2) the report of the Advisory Committee on Reactor Safeguards dated October 10, 1968; (3) a related safety evaluation prepared by the Division of Reactor Licensing; and (4) the technical specifications which are incorporated in the proposed license and designated as Appendix A thereto, all of which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon

request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of November 1968.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

PROPOSED PROVISIONAL OPERATING LICENSE

The Atomic Energy Commission having found that:

a. The application for provisional operating license, as amended (Amendments Nos. 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 to the license application, dated July 25, 1967, December 5, 1967, December 27, 1967, January 18, 1968, February 14, 1968, February 29, 1968, February 29, 1968, March 2, 1968, March 11, 1968, April 25, 1968, May 17, 1968, May 24, 1968, July 18, 1968, August 6, 1968, September 25, 1968, September 27, 1968, September 30, 1968, October 1, 1968, and October 9, 1968, respectively) complies with the requirements of the Atomic Energy Act of 1954 as amended (the "Act") and the Commission's regulations set forth in title 10, chapter 1, CFR;

b. The facility has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-17;

c. There are involved features, characteristics, and components as to which it is desirable to obtain actual operating experience before the issuance of an operating license for the full term requested in the application;

d. There is reasonable assurance (1) that the facility can be operated at power levels up to a maximum of 1 megawatt thermal in accordance with this license without endangering the health and safety of the public, and (2) that such activities will be conducted in compliance with the rules and regulations of the Commission;

e. The applicants are technically and financially qualified to engage in the activities authorized by this license, in accordance with the rules and regulations of the Commission;

f. The applicants have furnished proof of financial protection to satisfy the requirements of 10 CFR, Part 140;

g. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;

Provisional Operating License No. _____ is hereby issued to the General Electric Co. (General Electric) and Southwest Atomic Energy Associates (SAEA) as follows:

1. This license applies to the plutonia-uranium-fueled, fast spectrum, sodium-cooled experimental reactor (the "facility"). The facility, known as the Southwest Experimental Fast Oxide Reactor (SEFOR), is located in Cove Creek Township, Washington County, Ark., approximately 19 miles southwest of Fayetteville, Ark., and is described in license application Amendment No. 5, "Facility Description and Safety Analysis Report," Volumes I and II, as supplemented by Amendments Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23. Said "Facility Description and Safety Analysis Report" in Amendment No. 5, as supplemented and amended, is hereinafter referred to as the Safety Analysis Report.

2. Pursuant to section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", and subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (the "Commission") hereby licenses:

A. General Electric Co. and Southwest Atomic Energy Associates to acquire and

possess legal title to the facility as a utilization facility; and

B. General Electric Co. and Southwest Atomic Energy Associates, with General Electric acting for itself and for SAEA:

1. To possess, use, and operate the reactor as a utilization facility at power levels up to one megawatt thermal;

2. To receive, possess, and use at any one time up to 550 kilograms of plutonium as contained in SEFOR fuel elements, foils and sources, and 0.5 kilogram of uranium 235 as foils, check sources or in instruments in connection with operation of the facility pursuant to the Act and 10 CFR Part 70, "Special Nuclear Material".

3. To receive, possess, and use (1) 30 curies of cobalt 60 as sealed calibration sources and 2,500 kilograms of natural and/or depleted uranium as contained in SEFOR fuel elements, foils and instrument check sources in connection with operation of the facility pursuant to 10 CFR Part 30, "Rules of General Applicability to Licensing of By-Product Material" and Part 40, "Licensing of Source Material".

4. To possess, but not to separate, such byproduct and special nuclear material as may be produced by operation of the facility, pursuant to the Act and 10 CFR Parts 30 and 70.

3. This license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20, § 30.34 of Part 30, § 40.41 of Part 40, §§ 50.54 and 50.59 of Part 50, and § 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission, now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* General Electric is authorized to operate the facility at steady state power levels up to a maximum of 1 megawatt thermal.

B. *Technical specifications.* The technical specifications contained in Appendix A attached hereto¹ are hereby incorporated in this license. General Electric shall operate the facility in accordance with the technical specifications and may make changes therein only when authorized by the Commission in accordance with the provisions of § 50.59 of 10 CFR Part 50.

C. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) General Electric shall inform the Commission of any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety functions as described in the technical specifications. For each such occurrence, General Electric shall promptly notify by telephone or teletype the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing ("Director, DRL") with a copy to the Division of Compliance.

(2) General Electric shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the Safety Analysis Report or the Technical Specifications.

(3) General Electric shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Safety Analysis Report.

¹ This item was not filed with the Office of the Federal Register, but is available for inspection in the Public Document Room of the Atomic Energy Commission.

(4) As soon as possible after the completion of six months of operation of the facility (calculated from the date of initial criticality), General Electric shall begin submitting reports in writing in accordance with the requirements of the Technical Specifications.

D. *Records.* General Electric shall keep facility operating records in accordance with the requirements of the Technical Specifications.

4. This license is effective as of the date of issuance and shall expire eighteen (18) months from said date, unless extended for good cause shown, or upon the earlier issuance of a superseding operating license.

Attachment: Appendix A, Technical Specifications.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 68-13812; Filed, Nov. 14, 1968;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 68-11-46]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding General Cargo Rates

Issued under delegated authority on November 8, 1968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB agreement number.

The agreement amends general cargo rates by reducing the rates from points in India to Moscow.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that Resolutions JT23 (Mail 207) 555 and JT123 (Mail 566) 555, which are incorporated in the above-designated agreement and which do not directly affect air transportation, are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 20643 is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-13789; Filed, Nov. 14, 1968;
8:49 a.m.]

[Docket No. 20415]

LATIN AMERICAN SERVICE MAIL RATE FOR PRIORITY MAIL

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on December 2, 1968, at 10 a.m., e.s.t. in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Arthur S. Present.

In order to facilitate the conduct of the conference interested parties are instructed to submit to the examiner and other parties on or before November 26, 1968, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., November 8, 1968.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 68-13792; Filed, Nov. 14, 1968;
8:49 a.m.]

[Docket No. 20078]

MOHAWK AIRLINES, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing on the above-entitled application is assigned to be held on November 25, 1968, at 10 a.m., e.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., November 8, 1968.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[F.R. Doc. 68-13791; Filed, Nov. 14, 1968;
8:49 a.m.]

[Docket No. 20420; Order 68-11-44]

OZARK AIR LINES, INC.

Order Staying Further Procedural Steps Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 8th day of November 1968.

On October 29, 1968, Ozark Air Lines, Inc. (Ozark) filed an application pursuant to Subpart M of Part 302 of the Board's procedural regulations requesting an amendment of its certificate of public convenience and necessity for Route 107 to permit, inter alia, nonstop operations without subsidy eligibility between Minneapolis/St. Paul, Minn., and

¹ The remaining portion of the application requests authority to operate nonstop service without subsidy eligibility between Minneapolis/St. Paul and St. Louis, which are points on different segments. This portion is therefore governed by § 302.1305(b).

Des Moines, Iowa, and between Des Moines, Iowa, and St. Louis, Mo., Ozark is authorized to serve Minneapolis/St. Paul and Des Moines on segment 11 and Des Moines and St. Louis on segment 16.

Upon consideration of the foregoing and acting pursuant to § 302.1305(a) of the Board's procedural regulations, we have decided to stay further procedural steps with respect to the on-segment portions of this application pending further order of the Board.

Accordingly, it is ordered, That:

1. Further procedural steps with respect to the application of Ozark Air Lines, Inc., in Docket 20420 insofar as it requests authority to operate nonstop service between Minneapolis/St. Paul and Des Moines and between Des Moines and St. Louis be and they hereby are stayed until further order of the Board.

2. This order shall be served upon all parties served by Ozark in its application in this docket.

This order shall be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-13790; Filed, Nov. 14, 1968;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP69-129]

CARSON COUNTY GAS FARMERS'
CO-OPERATIVE SOCIETY, AND
NORTHERN NATURAL GAS CO.

Notice of Application

NOVEMBER 7, 1968.

Take notice that on October 28, 1968, Carson County Gas Farmers' Co-Operative Society (Applicant), Carson County, Tex., filed in docket No. CP69-129 an application pursuant to section 7(a) of the Natural Gas Act for an order directing Northern Natural Gas Co. (Respondent) to establish physical connection of its natural gas transmission facilities with the facilities of Applicant as proposed herein, and to sell natural gas to Applicant for resale to its members in Carson County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks to tap the main line of Respondent near the Carson-Armstrong County line and install a meter and other appurtenant equipment to supply gas to 10 irrigation wells owned by its members. Applicant also seeks authority to make other taps on Respondent's line as necessary.

Applicant states that the proposed connection will reduce the cost of irrigation gas to its members by one-third.

Applicant estimates annual operating requirements at 110,000 Mcf and peak month requirements at 17,710 Mcf.

Applicant states that the initial cost to be incurred by Applicant will be

minimal as the cost of the master meter will be borne by the users.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 2, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13734; Filed, Nov. 14, 1968;
8:45 a.m.]

[Docket No. CP69-135]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 7, 1968.

Take notice that on November 4, 1968, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La. 70112, filed in docket No. CP69-135 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by section 157.7(b) of the regulations under the act, for a certificate of public convenience and necessity authorizing the construction and operation of gas-purchase facilities during the calendar year 1969, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities which Applicant proposes to construct and operate under the authorization sought herein will consist of:

(1) Routine field facilities necessary to connect Applicant's system with the facilities of independent producers and others authorized by the Commission to sell natural gas to Applicant for resale in interstate commerce.

(2) Compressor horsepower as may be required to compensate for declining reservoir pressures of existing gas sources.

Applicant states that the proposed facilities are necessary to attach increased quantities of gas and insure an orderly depletion of reserves.

Total cost of the proposed facilities will not exceed \$200,000, and the cost of any single project will not exceed \$50,000. Financing will be provided from working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 5, 1968.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time re-

quired herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13735; Filed, Nov. 14, 1968;
8:45 a.m.]

[Docket No. CP69-131]

IOWA ELECTRIC LIGHT & POWER
CO., APPLICANT; NORTHERN NATURAL
GAS CO., RESPONDENT

Notice of Application

NOVEMBER 7, 1968.

Take notice that on November 1, 1968, Iowa Electric & Power Co. (Applicant), Post Office Box 351, Cedar Rapids, Iowa 52406, filed in docket No. CP69-131 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in three communities in the State of Iowa; Garden City, the town of McCallsburg and the town of Zeoring, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate an entirely new distribution system in each of the three communities. Applicant requests that the Commission order Respondent to construct border stations at each of the communities and to construct and operate 10.4 miles of 2-inch pipeline as a branch of its system.

The application estimates that the third year annual and peak day requirements of Applicant are 133,043 Mcf and 503 Mcf, respectively.

Total estimated cost of Applicant's proposed distribution system is \$160,800, which will be financed from funds on hand and funds generated by operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before December 5, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13736; Filed, Nov. 14, 1968;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian Change List 248]

CANADIAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignment

OCTOBER 29, 1968.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Sched- ule	Class	Expected date of commencement of operation
CJRN (PO: 1600 kc/s, 10 kw, DA-2).	Niagara Falls, Ontario...	710 kilocycles 5D/2.5N	DA-2	U	II	E.I.O. 10-15-69.
CKTR (PO: 1190 kc/s, 10 kwD/1 kwN, DA-2).	Three Rivers, Quebec...	1140 kilocycles 10	DA-2	U	II	E.I.O. 10-15-69.
CKFL (assignment of call letters).	Lac Megantic, Quebec...	1340 kilocycles 1D/0.25N	DA-D ND-N	U	IV	

[SEAL]

WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau,
Federal Communications Commission.

[F.R. Doc. 68-13730; Filed, Nov. 14, 1968; 8:45 a.m.]

[Mexican Change List 250]

MEXICAN STANDARD BROADCAST STATIONS

List of New Stations, Proposed Changes in Existing Stations, Deletions, and Corrections in Assignment

OCTOBER 16, 1968.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power Watts	Antenna	Sched- ule	Class	Expected date of commencement of operation
XEACD (new)	Acapulco, Gro.	650 kilocycles 500D/250N	ND	U	IIID/ IVN	9-8-69. (Probable).
XETJ (in operation with 1000D/250N since 7-24-68).	Torreón, Coah.	670 kilocycles 1,000D/250N	ND	U	IIID/ IVN	7-24-68.
XETRA (in operation with new DA-2 sys- tem, day and night, since 10-4-68).	Tijuana, B.C.	690 kilocycles 50,000	DA-2	U	I-B	10-4-68.

FEDERAL REGISTER, VOL. 33, NO. 223—FRIDAY, NOVEMBER 15, 1968

Call Letters	Location	Power Watts	Antenna	Sched- ule	Class	Expected date of commencement of operation
XEVQ (change in call letters, previously XENSM).	Navolato, Sin.	890 kilocycles 1000	ND	D	II	
XEACF (new)	Irapuato, Gto.	870 kilocycles 1000	DA-D	D	II	9-12-69 (Probable).
XEU (assignment deleted—See 930 kilocycles).	Versacruz, Ver.	930 kilocycles 500D/500N	ND	U	III	
XEU (in operation on 930 kilocycles since 8-12-68).	Versacruz, Ver.	930 kilocycles 500	ND	U	III	8-12-68.
XEDF (correction of an omission: In operation with 10,000D/5,000N DA-N since 12-9-64).	Mexico, D.F.	970 kilocycles 10,000D/5,000N	DA-N	U	III	12-9-64.
XEWE (correction of an omission: In operation with 5000W-D/175W- N, since 8-21-69. In- crease in daytime power).	Irapuato, Gto.	1420 kilocycles 10,000D/175N	ND	U	IIID/ IVN	6-10-69 (Probable).
XEPY (cancel the noti- fication to increase daytime power to 500W, included in List No. 243. Operation to continue with 250W, ND, U).	Merida, Yuc.	1450 kilocycles 250	ND	U	IV	
XEACE (new)	Mazatlan, Sin.	1470 kilocycles 1000	ND	D	III	9-10-69 (Probable).
XEQS (new)	Fresnillo, Zac.	1470 kilocycles 1000	ND	D	III	9-8-69 (Probable).
XEPA (assignment deleted).	Puebla, Pue.	1490 kilocycles 250	ND	U	IV	
XEVZ (new)	Puebla, Pue.	1490 kilocycles 250	ND	U	IV	9-12-69 (Probable).
XEIPM (This comple- ments the notification included in List No. 244 to add 1500W local operations, 15°22' 15° W, 96°22'20').	Villa Cardel, Ver.	1510 kilocycles 500	ND	D	II	3-15-69 (Probable).
XEQY (new)	Fresnillo, Zac.	1510 kilocycles 1000	ND	D	II	9-8-69 (Probable).
XEJPV (in operation since 9-20-68).	Zaragoza, Chih.	1580 kilocycles 1000	ND	D	II	9-20-68.
XEVIP (PO: 600W, ND, U. Change in proposed operation from 1000-D/500-N, ND).	Cd. Satellite, Mex.	1600 kilocycles 10,000	DA-N	U	II	3-12-69 (Probable).
XEQA (new)	Autlan de Navarro, Jal.	1600 kilocycles 1000	ND	D	III	9-8-69 (Probable).

[SEAL]

WALLACE E. JOHNSON,
Assistant Chief, Broadcast Bureau,
Federal Communications Commission.

[F.R. Doc. 68-13731; Filed, Nov. 14, 1968; 8:45 a.m.]

[Docket No. 18377; FCC 68-1099]

**GROSS BROADCASTING CO.
(KJOG-TV)****Memorandum Opinion and Order
Designating Application for Hear-
ing on Stated Issues**

In re application of: Jack O. Gross, trading as (KJOG-TV), Gross Broadcasting Company, San Diego, Calif., for extension of construction permit, Docket No. 18377, File No. BMPCT-6661.

1. The Commission has before it for consideration (a) the above-captioned application (BMPCT-6661) of Jack O. Gross, trading as Gross Broadcasting Co. (Gross), permittee of Television Broadcast Station KJOG-TV, Channel 51, San Diego, Calif.; (b) a "Letter of Intent," signed April 1, 1967, by Gross and California Western University and filed October 31, 1967, by University; (c) an "Agreement," signed November 1, 1967, by Gross and Broadmoor Broadcasting Corp. (Broadmoor) and filed January 2, 1968, by Gross.

2. On May 4, 1964, Gross filed an application (BPCT-3346) for a construction permit for a new television broadcast station to operate on Channel 51, San Diego, Calif. Since, on July 28, 1964, California Western University of San Diego (now United States International University) filed a competing application (BPCT-3421) for operation on Channel 51, both applications were designated for comparative hearing, Gross Broadcasting Company, FCC 65-84, released February 5, 1965. Subsequently, on June 23, 1965, the Review Board approved a Joint Request for Approval of Agreement, filed April 30, 1965, by both applicants which provided for a grant of the Gross application, the dismissal of the United States International University (University) application and the creation of an option in University to acquire a 50 percent interest in the new television facility. By its terms the option was exercisable at any time prior to the expiration of the ninth complete calendar month following the date of a grant to Gross of Program Test Authority. The agreement further provided that at such time as University elected to exercise its option, the parties would form a joint venture and would file an application for the assignment of the construction permit or license held by Gross to the joint venture.

3. On January 19, 1966, Gross filed an application (BMPCT-6228) for an extension of time within which to complete construction of the station. In support of the extension request, the applicant stated that while it was unable to use the site proposed in its application for a construction permit because of financial considerations, it was contemplated that negotiations for a new site would reach fruition shortly and that a modification application would be filed within a few weeks. The applicant indicated that construction of the station would be completed within 6 months of the grant of the extension application. The application was granted on March 4, 1966,

and approximately 5 months later, on August 2, 1966, Gross filed an application (BMPCT-6355) for modification of construction permit to make changes in the station's authorized facilities.¹ The application contained a statement that the applicant had expended large sums in preparing and prosecuting the application and that the applicant intended to construct the station at the site proposed in the modification application. This application was granted on June 22, 1967, and the date for completion of construction was extended until December 22, 1967.

4. On October 31, 1967, University tendered for filing an application for assignment of the construction permit of station KJOG-TV.² Submitted with the assignment application was a "Letter of Intent" signed by Gross and University on April 1, 1967, which indicated Gross' intention to assign the construction permit to University. The agreement also provided that the parties would have counsel draw up an appropriate agreement and application to be filed with the Commission and that University would reimburse Gross for his actual expenses up to the time of transfer and that the University would acquire "full and exclusive rights" to the construction permit. The agreement was made contingent upon Commission approval of the assignment application, the grant of an application for an extension of time within which to complete construction of the station and the approval of the Executive Committee of the Board of Trustees of University.

5. On November 3, 1967, Gross filed the above-captioned application (BMPCT-6661) for an extension of time within which to complete construction of Station KJOG-TV. The extension application indicated that construction of the station had not commenced and that equipment had not been ordered. However, the permittee stated that in order to bring the station's service to the San Diego community at the earliest possible date, the permittee had decided to assign the construction permit to a corporation in which the permittee would have a continuing interest. In addition, it was stated that an agreement for the assignment of the construction permit would be concluded shortly and that it was estimated that construction of the station would be completed within 6 months after the Commission approved the assignment application. On January 2, 1968, Gross tendered for filing an application for assignment of the construction permit to Broadmoor. The application contained an agreement signed November 1, 1967, by Gross and Broadmoor which provided that Broadmoor would form a new corporation, the stock of which would be issued to Broadmoor and

the corporation would pay Gross an amount equal to his actual expenses in connection with the construction permit, the assignment application and all studies relating to the station. The agreement further provided that Gross would have an option to acquire 15 percent of the stock initially issued by the corporation upon the same pro rata terms as Broadmoor shall have acquired its stock in the corporation and that the option would be exercisable within a 2-month period commencing on the last day of the 10th complete calendar month following the date of a grant to Station KJOG-TV of program test authority. In addition, the agreement provided that Broadmoor would cause the new corporation to fulfill all obligations of Gross under his April 1965 agreement with University and that if University exercised its rights under that agreement, then the 15-percent option exercisable by Gross would terminate if it had not already been exercised by Gross.

6. On February 7, 1968, the Commission advised Gross that the foregoing sequence of events raised questions concerning his failure to comply with his obligations under section 1.65 of the rules to provide the Commission with complete and accurate information concerning his intentions with respect to the construction of Station KJOG-TV and his failure to exercise due diligence in the construction of the station. Gross was advised that the question of his failure to comply with section 1.65 occurred during the time that his application (BMPCT-6355) for modification of facilities was pending before the Commission and prior to the grant of that application on June 22, 1967. While Gross had indicated in his modification application, which was filed in August 1966, that he intended to construct the station, on April 1, 1967, he signed a "Letter of Intent" which indicated his intention to assign the construction permit to University. However, Gross had failed to amend his pending modification application to inform the Commission of this substantial change in his plans for the construction of the station. In addition, Gross was advised that it appeared that the delay in construction of the station had been due not to any difficulty in the procurement of equipment or to an inability to complete construction because of reasons beyond his control, but rather to his voluntary decision to postpone construction because of his belief that the station could not succeed financially. The Commission's letter concluded that an evidentiary hearing would be necessary in order to resolve the foregoing matters and that unless Gross notified the Commission of his desire to participate in an evidentiary hearing, the extension application would be dismissed, the construction permit cancelled and the call letters for Station KJOG-TV deleted.

7. In his response to the Commission's letter, Gross states that while a "Letter of Intent" had been executed in April 1967, since it was not considered a binding agreement, but rather a document looking toward a subsequent agreement,

¹ On Sept. 20, 1966, Gross filed an application (BPCT-3842) for a construction permit to replace an expired permit and this application was granted on Jan. 5, 1967.

² Since the permittee did not file the assignor's portion of the assignment application (sec. I, Pt. I, FCC Form 314), the application cannot be accepted for filing.

he had been advised by counsel that the Commission did not have to be notified until a binding agreement had been executed. Furthermore, Gross contends that since a subsequent agreement was never reached with University, when the Commission granted the modification application on June 22, 1937, Gross' representation that he intended to build the station remained valid. With respect to his failure to construct the station, Gross asserts that while he believes that the proposed assignee Broadmoor has the broadcasting experience and financial resources to construct and operate the station, he will build the station himself in the event that the Commission does not approve the assignment application. Gross requests an evidentiary hearing if the Commission still believes that grant of the extension application is not warranted.

8. We have carefully considered the response submitted by Gross, and are of the view that an evidentiary hearing will be necessary in order to determine whether Gross has failed to comply with the requirements of § 1.65 of the Rules to advise the Commission of substantial and significant changes in information concerning his intentions with respect to the construction and operation of Station KJOG-TV, and whether Gross has exercised due diligence in proceeding with the construction of the station. Section 1.65 of the rules clearly sets forth the obligation of an applicant to maintain the continuing accuracy and completeness of information furnished in a pending application. However, during the time that Gross' application for modification of facilities was pending before the Commission and prior to the grant of that application, Gross manifested his intention to seek an assignment of the construction permit to University and failed to inform the Commission of this substantial change in his plans for construction of the station. In addition, while Gross has held the construction permit for Station KJOG-TV for more than 3 years, it appears that construction of the station has not commenced and equipment has not been ordered. Since it does not appear that the delay in construction has been due to any difficulty in the procurement of equipment or because of reasons beyond the permittee's control, we are unable to find that Gross has been diligent in proceeding with construction or that causes beyond his control have prevented him from completing construction. Accordingly, appropriate issues shall be specified concerning these matters.

9. The Commission is also of the view that the terms of the Agreement between Gross and Broadmoor raise a question concerning possible "trafficking" in the KJOG-TV construction permit. We note that under the terms of the Agreement, Gross would retain an option to purchase 15 percent of the stock of a new corporation to be formed by Broadmoor upon the same pro rata terms as Broadmoor shall have acquired its stock in the corporation. The agreement provides that the option may be exercised by Gross within a 2-month period com-

mencing on the last day of the 10th complete calendar month following the date of a grant of program test authority to Station KJOG-TV. In addition, except for Gross having to bear his own expenses in connection with the preparation and prosecution of his portion of the assignment application, the agreement provides that Broadmoor and/or the corporation shall bear all costs of forming the corporation, obtaining the permit to issue stock and the issuance of the corporation's stock and that Gross shall have no obligation to make any other funds available to the corporation. The information contained in the tendered assignment application indicates that funds for the construction and first-year operation of Station KJOG-TV will be obtained essentially from a \$500,000 bank loan and a \$500,000 loan from Clinton D. McKinnon, president and 56 percent stockholder of Broadmoor.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Jack O. Gross trading as Gross Broadcasting Co. is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Gross has violated the provisions of § 1.65 of the Commission's rules.

2. To determine whether Gross has engaged in "trafficking" in the authorization for Station KJOG-TV.

3. In the event that it is determined that there has been a violation of the provisions of § 1.65 of the Commission's rules or "trafficking" in the Station KJOG-TV authorization, whether Gross has the requisite qualifications to be a broadcast licensee.

4. To determine, pursuant to section 309(b) of the Communications Act of 1934, as amended, and § 1.534(a) of the Commission's rules:

(a) Whether the failure to construct Station KJOG-TV has been due to causes not under the control of Gross.

(b) Whether there are other matters sufficient to justify a further extension of time to construct Station KJOG-TV.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, upon the Commission's own motion, United States International University and Broadmoor Broadcasting Corp. are made parties to this proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant, United States International University and Broadmoor Broadcasting Corp., pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to § 311(a)

(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 6, 1968.

Released: November 12, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,²

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 68-13781; Filed, Nov. 14, 1968; 8:48 a.m.]

² Commissioner H. Rex Lee not participating.

[Docket No. 18372; FCC 68-1093]

TROPICAL RADIO TELEGRAPH CO.

Memorandum Opinion and Order Instituting an Investigation

Proposed tariff revisions providing for the pickup and delivery of international messages and the furnishing of customer tie-lines within the "metropolitan areas" of New Orleans, La., and Miami, Fla.

1. The Commission has before it (a) proposed revisions to Tariff FCC No. 60, issued by Tropical Radio Telegraph Co. (TRT), on September 27, 1968, now scheduled to become effective on November 8, 1968, providing for the pickup and delivery of international telegrams and the furnishing of customer tie-lines within the "metropolitan areas" of New Orleans, La., and Miami, Fla.;¹ (b) a petition filed by The Western Union Telegraph Co. (Western Union), to reject or suspend and investigate TRT's revisions;² and (c) TRT's reply, filed on October 28, 1968, to Western Union's petition.

2. TRT presently serves directly only customers located within the corporate limits of New Orleans and Miami. By its tariff revisions it would expand its service area to the "metropolitan areas" of these cities. By the terms of the proposed revisions the metropolitan area of Miami would include the corporate limits thereof and Coral Gables, Goulds, Hialeah, Kendall, Miami Beach, Miami Shores, Miami Springs, North Miami, North Miami Beach, South Miami, Surfside. The following communities, in addition to New Orleans proper, would be included within the New Orleans metropolitan area: Ama, Arabi, Avondale, Belle Chasse, Bridgedale, Bucktown, Chalmette, Gouldsboro, Green Ditch, Gretna, Hanson City, Harahan, Harvey, Kenner, Marrero, Metairie, Metairie, Shrewsbury, Southport, Violet, Waggaman, Westwego, Willswood.

¹ The specific tariff pages at issue are 102d and 103d revised page 1, 7th and 8th revised page 2, 8th and 9th revised page 9, 5th and 6th revised page 10, original and 1st revised page 10A, and original and 1st revised page 10B.

² Western Union submitted a telegraphic request on Oct. 18, 1968, which was confirmed by a petition in the usual form filed on Oct. 21, 1968.

3. Western Union alleges that TRT's tariff offering would encroach upon its area of domestic operations, jeopardize and dilute its revenues, and engender a wasteful and uneconomic duplication of facilities without any offsetting benefits to the public. It contends that such revisions are contrary to the international formula for the distribution of outbound international traffic as well as violative of sections 201(b), 202(a), and 222 of the Communications Act, and that TRT lacks section 214 authorization to provide the proposed service.

4. Western Union's request for rejection is apparently based upon its section 214 contention. In this regard, however, it has not indicated that TRT would have to extend its lines in a manner requiring section 214 authorization in order to provide the services offered by the tariff revisions. Western Union's request for rejection cannot therefore be granted.

5. On the other hand, substantial questions are presented as to the lawfulness of TRT's revisions. At present, the international record carriers, with certain recognized exceptions, confine their operations to the corporate limits of the gateway cities in which they maintain public offices. The pickup and delivery of international messages outside the gateway cities, i.e., in the hinterland, are provided by Western Union. We have previously stated that we "recognize that as the carrier obligated to provide a nationwide telegraph service, Western Union should be afforded the opportunity to provide pickup and delivery service for international messages in the hinterland so long as it does so in a manner to meet the legitimate requirements of users, unless there are other special considerations which indicate to us that the public interest might be served by permitting other carriers to provide this service." Press Wireless, Inc., 21 FCC 511, 528 (1956). TRT has not demonstrated by the pleadings before us that the legitimate requirements of the users in the suburban communities which it desires to serve are not being met by Western Union or that special considerations exist which indicate that the public interest would be served by permitting it to serve these communities directly. Accordingly, we are unable to determine at this time that the charges, classifications, regulations, and practice contained in TRT's proposed tariff revisions are or will be just and reasonable and otherwise lawful within the meaning of sections 201(b) and 202(a) of the Communications Act. Until the lawfulness of its revisions are determined through the hearing process, we do not think that TRT should commence this service, which it later may be directed by the Commission to terminate. We will therefore grant Western Union's request that TRT's revisions be suspended for the full statutory period.

Accordingly, it is ordered, Pursuant to the provisions of section 4(i), 201, 202, 204, 205, and 403 of the Communications Act, that an investigation is hereby instituted into the lawfulness of the tariff revisions specified in footnote 1 hereinabove;

It is further ordered, That, pursuant to the provisions of section 204 of the Communications Act, such tariff revisions are hereby suspended until February 8, 1969, and that during that period no changes shall be made in such tariff revisions except as authorized or directed by the Commission;

It is further ordered, That, without in any way limiting the scope of the proceeding, it shall include inquiry into the following:

1. Whether Western Union is meeting or is able to meet the legitimate needs of users of international record services in the suburban communities to be served pursuant to the subject tariff revisions;

2. Whether TRT's proposed revisions would result in the duplication of services and facilities presently being provided by Western Union; and, if so, the extent of such duplication of services and facilities;

3. Whether TRT's proposed revisions would result in a diversion of revenues from Western Union for the landline handling of international traffic; and, if so, the extent of such diversion of revenues;

4. Whether any special circumstances exist which would indicate that it would be in the public interest to permit TRT to serve the suburban areas of New Orleans, La., and Miami, Fla., as proposed in its tariff revisions;

5. Whether, in the light of all the evidence including that adduced in reference to the foregoing issues, the charges, classifications, regulations, and practices contained in TRT's proposed revisions are or will be lawful under sections 201(b) and 202(a) of the Communications Act; and

6. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices to be hereafter followed with respect to the service under investigation; and, if so, what charges, classifications, regulations, and practices should be prescribed.

It is further ordered, That a hearing be held in the proceeding at the Commission's offices in Washington, D.C., at a time to be specified in a subsequent order and that the hearing examiner designated to preside at the hearing shall certify the record to the Commission for decision without preparing either an initial decision or a recommended decision, and that the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277) after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282);

It is further ordered, That TRT is hereby made party respondent to this proceeding and that Western Union is hereby granted leave to intervene in this proceeding provided that not less than 20 days from receipt of a copy of this order it files a notice of intention to intervene;

It is further ordered, That the petition of Western Union to reject or suspend TRT's tariff revisions is granted to the extent indicated hereinabove and in all other respects is denied.

Adopted: November 6, 1968.

Released: November 12, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-13782; Filed, Nov. 14, 1968;
8:48 a.m.]

[Docket No. 18374; FCC 68-1096]

WHBL, INC.

Order Designating Application for Hearing on Stated Issues

In re application of WHBL, Inc., Sheboygan, Wis., requests: 97.7 mcs, No. 249; 3 kw; 241 ft., for construction permit, Docket No. 18374, File No. BPH-6111.

1. The Commission has under consideration the above-captioned application for authority to construct a new FM station in Sheboygan, Wis., and related correspondence.

2. Because of common ownership interests in the applicant corporation (licensee of AM station WHBL in Sheboygan) and the publisher of the Sheboygan Press, the Commission in a by-direction letter indicated that this application for the only FM channel available for use in Sheboygan raised a question of possible concentration of control over local communications media. In the applicant's response to this letter it stated that the station and newspaper were not under common control. This it states is the case because the president and majority stockholder in the applicant corporation has no interest in the newspaper and Mr. and Mrs. Werner, who control the newspaper have only a minority interest in the applicant corporation. In addition, applicant states that as a result of the removal of Mrs. Werner as a director, neither of the Werners is an officer or director of the applicant corporation.

3. After consideration of the applicant's response and other pertinent information, the Commission has concluded that serious questions continue to exist and that a hearing is required to determine whether grant of this application would tend to create an undue concentration of local media control and whether the interests of the Werners diminish the freedom of the station and newspaper to compete commercially or to take differing editorial positions. In reaching this determination, the Commission carefully considered the information provided by the applicant in an effort to show that the station and newspaper are not under common control but instead compete commercially and take different editorial positions. However, in view of the substantial nature of the Werners' interests in the station, the Commission does not believe that this

¹ Commissioner H. Rex Lee not participating.

information is sufficient to revolve the concentration question without hearing, particularly since the applicant's assertions dealing with the competitive situation are principally based on nonlocal competition. As to the matter of editorial positions taken by the station and newspaper, we do not believe that the examples submitted by the applicant are sufficient to demonstrate that their editorial positions are unaffected by the holdings of the Werners so as to obviate the need for an issue on this matter.

4. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the stock interests of the Werners diminish the freedom of the two media to compete and/or impinges on their ability to take differing editorial positions.

(2) To determine whether a grant of this application would tend to create an undue concentration of control of local communications media in Sheboygan, Wis.

(3) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

5. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

6. *It is further ordered*, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 6, 1968.

Released: November 12, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-13783; Filed, Nov. 14, 1968;
8:48 a.m.]

¹ Chairman Hyde concurring in the designation for hearing but would have favored conditional grant. Commissioners Robert E. Lee and Wadsworth dissenting. Commissioner H. Rex Lee not participating.

[Report 413]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

NOVEMBER 12, 1968.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

² The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

- 33-C2-P-69—Hanford Mobile Radio, Inc.; (KMD988); C.P. to add a second channel at location No. 1: On Joaquin Ridge, Calif., to operate on base frequency 454.075 MHz.
- 2593-C2-AL-69—Rochester Radio Telephone; (KEC941); Consent to assignment of license from Rochester Radio Telephone, Assignor, to: Lad Radio Systems, Inc., Assignee.
- 2594-C2-P-69—Monroe Radiotelephone Company; (New); C.P. for a new one-way station to be located at location No. 1: Off Highway No. 589, 4 miles west of Hattiesburg, Miss., to operate at base frequency 158.70 MHz and location No. 2: 0.5 mile northeast of Petal, Miss., to operate on control frequency 454.15 MHz.
- 2595-C2-P-69—John W. Bennett; (KQK772); C.P. to change frequency to 152.24 MHz at station located at Hurley Hospital, Begole and Sixth Avenue, Flint, Mich.
- 2686-C2-P-69—John W. Bennett; (KQK772); C.P. to add base frequency 158.70 MHz to operate at station located at Hurley Hospital, Begole and Sixth Avenue, Flint, Mich. (one-way).
- 2687-C2-P-69—New York Telephone Co.; (KEC938); C.P. to replace transmitters operating on base frequencies 454.40, 454.50, and 454.60 MHz at location No. 1: 1.4 miles east of Plainview, N.Y., and establish base facilities to operate on frequencies 454.40, 454.50, and 454.60 MHz at location No. 2: 125-10 Queens Boulevard, Kew Gardens, N.Y.
- 2689-C2-TC-69—Bellamy Telephone Co.; (KAF637); Consent to transfer of control from Earle G. James M. Bellamy, and Mary Bellamy Burns, Transferors, to: Continental Telephone Corp., Transferee.
- 2690-C2-TC-(2)-69—Valley Telephone Co.; Consent to transfer of control from Sunnyside Telephone Co., Transferor, to: Western Valley Telephone Co., Transferee. Stations: KFL898—Detroit, Oreg. KH2322—Mobile Service.
- 2710-C2-P-69—Southwestern Bell Telephone Co.; (KAA818); C.P. for four (4) additional channels to operate on frequencies 454.375, 454.425, 454.450, and 454.550 MHz at station located at 2651 Olive Street, St. Louis, Mo.

MAJOR AMENDMENTS

- 4572-C2-P-68 and 4578-C2-P-68—General Telephone Company of the Southwest; (New); Change the base frequency to 158.10 MHz; replace transmitter and change the antenna system. All other particulars same as reported in public notice dated Mar. 18, 1968, Report No. 379.
- 6042-C2-P-68—The Chesapeake and Potomac Telephone Co. of Virginia; (New); To designate 120 West Bute Street, Norfolk, Va., as location No. 1 on frequency 158.10 MHz and add the following locations to operate on the same frequency. Location No. 2: 3131 Sewells Point Road, Norfolk, Va. Location No. 3: 1110 Hodges Ferry Road, Portsmouth, Va. Location No. 4: 132 Plaza Trail (Lynnhaven), Virginia Beach, Va. All other particulars are to remain the same as reported on public notice dated Aug. 28, 1968, Report No. 402-1.
- 6458-C2-P-68—Whidbey Telephone Co.; (KOP303); Change base frequency pair from 35.38-43.38 MHz to 35.54-43.54 MHz. All other particulars to remain as reported in public notice dated July 8, 1968, Report No. 395.

2715-C1-P-69—South Central Bell Telephone Co.; (KIX28); C.P. to add frequency 6094.2 MHz toward Grand River, Ky., at station located at approximately 5.8 miles east of Princeton, Ky.
 2716-C1-P-69—South Central Bell Telephone Co.; (KIX29); C.P. to add frequency 3970 MHz toward Paducah, Ky., at station located at 1.9 miles south-southeast of Grand Rivers, Ky.
 2717-C1-P-69—Illinois Bell Telephone Co.; (KSN61); C.P. to add frequencies 10,755 and 10,995 MHz toward Ottawa, Ill., at station located at 2.8 miles east-southeast of Norway, Ill.

2718-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. for a new fixed station to be located at 1.3 miles north of Ottawa, Ill., to operate on frequencies 11,645 and 11,405 MHz toward La Salle, Ill.; 11,445 and 11,685 MHz toward Norway, Ill., and 6390.0 and 11,665 MHz toward Streator, Ill.
 2719-C1-P-69—Illinois Bell Telephone Co.; (New); C.P. for a new fixed station to be located at 237 Hennepin Street, La Salle, Ill., to operate on frequencies 10,955 and 10,715 MHz toward Ottawa, Ill.
 931-C1-R-69—New York Telephone Co.; (KEH95); Renewal of developmental license expiring Nov. 29, 1968. Term: Nov. 29, 1968 to Nov. 29, 1969.

CORRECTION

2179-C1-MP-69—Puerto Rico Communications Authority; (WWM22); Modification of C.P. to add frequency 11,485 MHz only toward Cayey, P.R.; change frequency 11,485 MHz toward Caguas, P.R., to 11,525 MHz and add frequency 11,685 MHz. All other terms of the existing C.P. to remain the same.
 2180-C1-MP-69—Puerto Rico Communications Authority; (WWM23); Modification of C.P. to add frequency 10,875 MHz only toward Cerro Las Pinas, P.R. All other terms of the existing C.P. to remain the same.
 2181-C1-MP-69—Puerto Rico Communications Authority; (WWT51); Modification of C.P. to change frequency 10,755 MHz toward Cerro Las Pinas, P.R., to 10,915 MHz and add frequency 11,075 MHz. All other terms of the existing C.P. to remain the same. All other particulars same as reported in public notice dated Nov. 21, 1968, Report No. 410.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

2055-C1-ML-69—West Texas Microwave Co.; (KZI27); Modification of license (a) to provide, via audio subchannel, the signal of station KCWM-FM, Fort Worth, Tex., to Telecom Cable Co., Inc., in Stamford, Tex., and (b) to provide, via audio subchannels, the signals of stations KIXL-FM and WRR-FM, both of Dallas, Tex., and station KCWM-FM, Fort Worth, Tex., to Cable Electronics, Inc., in Hamlin, Tex. Location: Anson, Tex.
 2227-C1-ML-69—West Texas Microwave Co.; (KZI27); Modification of license to provide, via audio subchannel, the signal of station KFVZ-FM, Dallas-Fort Worth, Tex., to ABKO Broadcasting Co., licensee of radio station KDWT, in Stamford, Tex. Location: Anson, Tex.

2228-C1-ML-69—West Texas Microwave Co.; (KLU91); Modification of license to provide the TV signal of station KDTV, Dallas, Tex., to Texas Cablevision Corp. at Estes Farm, Tex., where the signal (KDTV) will then be relayed, via CARS facilities, to CATV systems in San Angelo and Ballinger, Tex. Location: Davis Ranch, Tex.
 2229-C1-ML-69—West Texas Microwave Co.; (KLR75); Modification of license (a) to provide, via audio subchannel, the signal of station KCWM-FM, Fort Worth, Tex., to Sweetwater TV Cable Corp. in Sweetwater, Tex., and (b) to provide, via audio subchannels, the signals of stations KIXL-TV and WRR-FM, both of Dallas, Tex., and station KCWM-FM, Fort Worth, Tex., to Cable Electronics, Inc., in Anson, Tex. Location: Abilene, Tex.

2230-C1-ML-69—West Texas Microwave Co.; (KLR75); Modification of license to provide, via audio subchannel, the signal of station KCWM-FM, Fort Worth, Tex., to TV Cable Service of Abilene, Inc., in Abilene, Tex. Location: Davis Ranch, Tex.
 2706-C1-P-69—Microwave Service Co.; (KNK45); C.P. to add frequency 6475.0 MHz toward new point of communication at Palm Springs, Calif. (lat. 33°48'02" N.—long. 116°31'38" W.), on azimuth of 229°05'. Location: Edom Hill, 4 miles northwest of Thousand Palms, Calif. (Informative: Applicant proposes to provide the signal of station KABC-TV, Los Angeles, Calif., to Pacific Media Corp., licensee of a new UHF television station in Palm Springs, Calif. NOTE: Applicant has requested waiver of section 21.801(a) FCC rules.)

2295-C2-P-68—Bluegrass Radiotelephone; (KIX761); Change base frequency of proposed third channel from 152.15 MHz to 152.03 MHz at location No. 1; 119 Stone Road, Lexington, Ky. All other particulars same as reported on public notice dated Nov. 13, 1967, Report No. 400.

CORRECTION

2557-C2-MP-69—General Telephone Co. of the Southwest, Inc.; (KON912); Correct name of licensee to read: General Telephone Co. of the Northwest. All other terms same as reported in public notice dated Nov. 4, 1968, Report No. 412.

RURAL RADIO SERVICE

2690-C1-TC-69—Valley Telephone Co.; Consent to transfer of control from Sunnyside Telephone Co., Transferor, to: Western Valley Telephone Co., Transferee.
 Renewals of Licenses expiring November 1, 1968. Term: November 1, 1968, to November 1, 1973.

Licensee	Call sign	Licensee	Call sign
The Crow-Kan Telephone Cooperative Association, Inc.	KBT74	Nocona Telephone Co.	KKK25
Gulf Telephone Co.	KIK26	Pioneer Telephone Cooperative, Inc.	KKK75
Do	KIK27	Prairie Grove Telephone Co.	KKK72
Lake Dallas Telephone Co., Inc.	KKK96	Santa Rosa Telephone Coop., Inc.	KLTV6
Muenster Telephone Corp. of Texas	KKK56	Sam's Radio Communications Service	KLR45

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

2596-C1-P-69—Northwestern Bell Telephone Co.; (KAW20); C.P. to replace transmitters operating on frequencies 6286.2 and 6404.8 MHz toward Thief River Falls, Minn., at station located at 3.5 miles west-southwest of Dorothy, Minn.
 2597-C1-P-69—Northwestern Bell Telephone Co.; (KAV61); C.P. to replace transmitters operating on frequencies 6004.5 and 6123.1 MHz toward Dorothy, Minn., at station located on First Street, near Brooks Avenue, Thief River Falls, Minn.

2688-C1-P-69—Southern Bell Telephone and Telegraph Co.; (KJG91); C.P. to add frequencies 11,155 MHz toward (Station WCWB-TV), Macon, Ga., at station located at 787 Cherry Street, Macon, Ga.

2691-C1-P-69—Southwestern Bell Telephone Co.; (KYO52); C.P. to add 6241.7 and 11,565 MHz toward Elkhorn, Mo., at station located at 324 East 11th Street, Kansas City, Mo.

2692-C1-P-69—Southwestern Bell Telephone Co.; (KYO53); C.P. to add frequencies 6019.3 and 11,115 MHz toward Kansas City, Mo., and 5952.6 and 10,915 MHz toward Dover, Mo., at station located at 0.5 mile southwest of Elkhorn, Mo.

2693-C1-P-69—Southwestern Bell Telephone Co.; (KYO54); C.P. to add frequencies 6204.7 and 11,365 MHz toward Elkhorn, Mo., and 6315.9 and 11,385 MHz toward Aulville, Mo., at station located at 3.4 miles east of Dover, Mo.

2694-C1-P-69—Southwestern Bell Telephone Co.; (New); C.P. for a new fixed station to be located at 1.3 miles south of Aulville, Mo., to operate on frequencies 6063.8 and 10,975 MHz toward Dover, Mo., and 6078.6 and 10,775 MHz toward Knob Noster, Mo.

2695-C1-P-69—Southwestern Bell Telephone Co.; (New); C.P. for a new fixed station to be located at 119 North State Street, Knob Noster, Mo., to operate on frequencies 6301.0 and 11,665 MHz toward Aulville, Mo.

2711-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KOM63); C.P. to add frequency 5937.8 MHz toward Butte City, Idaho, at station located at 27.9 miles west of Idaho Falls, Idaho.

2712-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPZ41); C.P. to add frequency 6204.7 MHz toward Arco, Idaho, and add frequency 6189.8 MHz toward Idaho Falls, Idaho, at station located at 5 miles east of Butte City, Idaho.

2713-C1-P-69—The Mountain States Telephone & Telegraph Co.; (KPZ42); C.P. to add frequency 5952.6 MHz toward Butte City, Idaho, at station located at the corner of Era Avenue and Idaho Street, Arco, Idaho.

2714-C1-P-69—South Central Bell Telephone Co.; (KYC55); C.P. to add frequency 11605 MHz toward Princeton, Ky., at station located at 2.4 miles east of St. Charles, Ky.

2707-C1-P-69—New York-Penn Microwave Corp.; (KZA86); C.P. to add frequencies 5989.7, 6049.0 and 6108.3 MHz via power split, toward new point of communication at Altoona, Pa. (lat. 40°33'02" N., long. 78°30'22" W.), on azimuth of 217°02'. Location: Tyrone Mountain, 6 miles northwest of Tyrone, Pa. (Informative: Applicant proposes to provide the signals of stations WPIX-TV, WOR-TV, WNEW-TV of New York, N.Y., to Altoona Video Corp. at Altoona, Pa.)

[F.R. Doc. 68-13784; Filed, Nov. 14, 1968; 8:49 a.m.]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Proclamation

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, as amended, the Railroad Retirement Board had determined, and hereby proclaims, that as of the close of business on September 30, 1968, there was a deficit of \$118,079,988.23 in the railroad unemployment insurance account. The underlying figures relating to the computation of this deficit follow:

Unexpended amount in the railroad unemployment insurance account	\$1,496,792.28
Deduct:	
Amounts borrowed from the Railroad Retirement Account which have not been repaid	-124,885,000.00
Accrued interest on such borrowed amounts	-1,386,996.16
Deficit in railroad unemployment insurance account proper	124,775,203.88 (D)
Add:	
Balance in railroad unemployment insurance administration fund	+6,695,215.65
Deficit in railroad unemployment insurance account	118,079,988.23 (D)

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Ill., this 8th day of November 1968.

[SEAL]

HOWARD W. HABERMEYER,
Chairman.
THOMAS M. HEALY,
Member.
A. E. LYON,
Member.

BY THE RAILROAD RETIREMENT BOARD,

LAWRENCE GARLAND,
Secretary of the Board.

[F.R. Doc. 68-13765; Filed, Nov. 14, 1968; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

EASTERN TRUST FINANCIAL ASSOCIATES

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (1)), by Eastern Trust Financial Associates, Bangor, Maine, for prior approval of the Board of action whereby applicant would become a bank holding company through the acquisition of 100 percent of the voting shares of Eastern Trust & Banking Co., Bangor, Maine; 67.30 percent of the voting shares of Lincoln Trust Co., Lincoln, Maine; 66.25 percent of the voting shares of Millinocket Trust Co., Millinocket, Maine; and 52.35 percent of the voting shares of Guilford Trust Co., Guilford, Maine.

Section 3(c) of the act, as amended, provides that the Board shall not approve

(1) any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or (2) any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anti-competitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than 30 days after the publication of this notice in the FEDERAL

REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

Dated at Washington, D.C., this 7th day of November 1968.

By order of the Board of Governors.

[SEAL] ROBERT P. FORRESTAL,
Assistant Secretary.

[F.R. Doc. 68-13737; Filed, Nov. 14, 1968; 8:45 a.m.]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of August 13, 1968

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on August 13, 1968.¹

The information reviewed at this meeting indicates that some elements of economic activity continued to expand vigorously in early summer. Expansion in overall activity, however, is projected to slow considerably in coming months as a result of the new fiscal restraint measures and a marked reduction in inventory accumulation. Industrial prices have been increasing less rapidly in recent months, but consumer prices have continued to rise substantially. Wage pressures remain strong, and the recent wage settlement in the steel industry was followed by announcements of steel price increases. Both short- and long-term interest rates have declined considerably, in large part as a result of expectations of easier credit conditions. Bank time and savings deposits, particularly large-denomination CD's, have expanded sharply in early summer; growth in the money supply has continued large as U.S. Government deposits have been drawn down further on average; and growth in total bank credit has been unusually rapid. Although the U.S. balance of payments has recently shown a marked improvement, the foreign trade balance and underlying payments position continue to be matters of serious concern. In this situation, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable economic growth, continued resistance to inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining, on balance,

¹ The Record of Policy Actions of the Committee for the meeting of Aug. 13, 1968, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

about the prevailing conditions in money and short-term credit markets; provided, however, that operations shall be modified if bank credit appears to be significantly exceeding current projections.

Dated at Washington, D.C., the 6th day of November 1968.

By order of the Federal Open Market Committee.

ARTHUR L. BROIDA,
Assistant Secretary.

[F.R. Doc. 68-13738; Filed, Nov. 14, 1968;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION DUMONT CORP.

Order Suspending Trading

NOVEMBER 8, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B Common Stock of Dumont Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 11, 1968, through November 20, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-13767; Filed, Nov. 14, 1968;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[License 01/02-0029]

CONNECTICUT CAPITAL CORP.

Approval of Application for Transfer of Control of a Licensed Small Business Investment Company

A notice of application for transfer of control was published October 23, 1968, in the FEDERAL REGISTER (33 F.R. 15686) stating that an application had been filed with the Small Business Administration under § 107.701 of SBA Regulations governing small business investment companies (13 CFR Part 107, 33 F.R. 326) for transfer of control of Connecticut Capital Corp., 488 Whalley Avenue, New Haven, Conn. 06905, a Federal Licensee under the Small Business Investment Act of 1958, as amended, License No. 01/02-0029.

Interested persons were given until November 2, 1968, to send their comments to SBA. No comments were received.

Having considered the application and other information pertinent to it, SBA

hereby approves the application for transfer of control of Connecticut Capital Corp.

Dated: November 5, 1968.

GLENN R. BROWN,
Associate Administrator
for Investment.

[F.R. Doc. 68-13766; Filed, Nov. 14, 1968;
8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

The Baby Shop, Inc., apparel; 404 Main Street, Evansville, Ind.; 9-3-68 to 9-2-69.

Ball Stores, Inc., department store; 400 South Walnut Street, Muncie, Ind.; 9-3-68 to 9-2-69.

Bronson's, apparel; 122 Normandale Arcade, Montgomery, Ala.; 8-5-68 to 8-4-69.

H. F. & T. B. Byrd, Inc., agriculture; Timberville, Va.; 8-22-68 to 8-21-69.

Capin's El Paso Store, department store; 125-129 Morley Avenue, Nogales, Ariz.; 9-3-68 to 9-2-69.

Draper-Darwin Stores, department store; Main Street, Franklin, Tenn.; 7-29-68 to 7-28-69.

Eagle Stores Co., Inc., variety store; 181 West Main Street, Gastonia, N.C.; 8-10-68 to 8-9-69.

Ephrata Nursing Home, Inc., nursing home; 25 West Locust Street, Ephrata, Pa.; 8-5-68 to 8-4-69.

The First Street Store, Ltd., department store; 3640 East First Street, Los Angeles, Calif.; 9-3-68 to 9-2-69.

Garrison Memorial Hospital, hospital; Garrison, N. Dak.; 9-4-68 to 9-3-69.

Goldblatt Brothers, Inc., department store; 5206 Hohman Avenue, Hammond, Ind.; 8-22-68 to 8-21-69.

Golden Good Shepherd Home, nursing home; Golden, Ill.; 8-26-68 to 8-25-69.

W. T. Grant Co., variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated: No. 647, Jacksonville, Fla. (9-12-68 to 9-11-69); No. 718, Indianapolis, Ind.; No. 190, Minneapolis, Minn.; No. 74, Canton, Ohio; No. 482, Delphos, Ohio (8-22-68 to 8-21-69); No. 313, Newark, Ohio; No. 751, Broomall, Pa. (8-21-68 to 8-20-69); No. 196, Homestead, Pa. (8-8-68 to 8-7-69); No. 905, Norristown, Pa. (9-1-68 to 8-31-69); No. 289, Philadelphia, Pa. (9-7-68 to 9-6-69); No. 399, Philadelphia, Pa.; No. 240, Williamsport, Pa. (9-8-68 to 9-7-69).

H. E. B. Food Store, food stores, from 9-3-68 to 9-2-68: No. 88, Del Rio, Tex.; No. 72, Killeen, Tex.; No. 71, Temple, Tex.; Nos. 50, 64, 70, 76, and 87, Waco, Tex.

Hall's 5 & 10¢ Stores, variety store; 122-128 South Main Street, Woodruff, S.C.; 7-3-68 to 7-2-69.

Herberger's, department store; 225 South Broadway, Albert Lea, Minn.; 9-3-68 to 9-2-69.

Kenley's Super Markets, Inc., food store; 1107 South 10th Street, Noblesville, Ind.; 9-3-68 to 9-2-69.

S. S. Kresge Co., variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated: No. 254, Aurora, Ill.; No. 34, Bloomington, Ill.; No. 164, Canton, Ill.; Nos. 174 and 2690, Champaign, Ill.; Nos. 416, 445, 480, 594, and 627, Chicago, Ill.; No. 201, Decatur, Ill.; No. 220, Evanston, Ill. (9-20-68 to 9-19-69); No. 207, Harrisburg, Ill.; No. 130, Joliet, Ill.; No. 417, Kankakee, Ill.; No. 218, La Grange, Ill.; No. 4546, Moline, Ill.; No. 4630, Pekin, Ill.; No. 242, Peoria, Ill.; No. 98, Quincy, Ill.; No. 318, Rockford, Ill.; No. 483, Bedford, Ind.; No. 237, Elkhart, Ind.; No. 568, Fort Wayne, Ind.; No. 618, Gary, Ind.; Nos. 2583 and 2672, Indianapolis, Ind.; No. 2589, Kokomo, Ind.; No. 204, Lafayette, Ind.; No. 85, Muncie, Ind.; No. 251, New Castle, Ind.; No. 84, Richmond, Ind.; No. 659, Detroit, Mich. (7-24-68 to 7-23-69); No. 536, Holland, Mich. (8-20-68 to 8-19-69); No. 4578, Faribault, Minn.; Nos. 176, 520, and 694, Minneapolis, Minn.; No. 120, Canton, Ohio; No. 638, Cincinnati, Ohio; Nos. 28, 411, and 531, Cleveland, Ohio; Nos. 5, 29, and 328, Columbus, Ohio; Nos. 9, 628, and 649, Dayton, Ohio; No. 171, Lancaster, Ohio; No. 51, Lima, Ohio; No. 406, Lorain, Ohio; No. 512, Mount Vernon, Ohio; No. 40, Newark, Ohio; No. 606, South Euclid, Ohio; No. 316, Springfield, Ohio; No. 48, Stow, Ohio; No. 447, Tallmadge, Ohio; No. 299, Warren, Ohio; No. 228, Willowick, Ohio; No. 248, Xenia, Ohio; No. 377, Zanesville, Ohio; No. 476, Levittown, Pa.; Nos. 269, 379, and 528, Philadelphia, Pa.; No. 282, Pittston, Pa. (9-8-68 to 9-7-69); No. 92, Scranton, Pa.; No. 492, Springfield, Pa.; No. 68, Wilkes-Barre, Pa.; No. 67, Williamsport, Pa.; No. 4542, Beloit, Wis.; No. 607, Eau Claire, Wis.; No. 611, Fond du Lac, Wis.; Nos. 162 and 268, Madison, Wis.; No. 420, Manitowoc, Wis.; No. 617, Milwaukee, Wis.; No. 78, Superior, Wis.; No. 493, Wausau, Wis.

S. H. Kress & Co., variety stores, from 9-3-68 to 9-2-69: 211 North Mesa, El Paso, Tex.; 16 Lamar Avenue, Paris, Tex.

La Ville De Paris, department stores; 101-105 Morley Avenue, Nogales, Ariz.; 9-3-68 to 9-2-69.

Lebensraum Retreat for the Elderly, nursing home; 114-8 South Ingalls, Grand Island, Nebr.; 9-9-68 to 9-8-69.

H. B. Magruder Memorial Hospital, hospital; Fulton Street, Port Clinton, Ohio; 8-7-68 to 8-6-69.

Marstaller Grocery & Market, food stores, from 9-2-68 to 9-1-69: 1928 Circle Road, Waco, Tex.; 3344 Franklin, Waco, Tex.

McCrary-McLellan-Green Stores, variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated: Nos. 543 and 580, Tucson, Ariz.; No. 1114, Wilmington, Del. (9-5-68 to 9-4-69); No. 44, Anderson, Ind.; No. 195, Indianapolis, Ind.; Nos. 234 and 314, Baltimore, Md.; No. 1111, Baltimore, Md. (9-5-68 to 9-4-69); No. 1202, Baltimore, Md. (9-16-68 to 9-15-69); No. 21, Cumberland, Md.; No. 68, Easton, Md.; No. 46, Frederick, Md.; No. 31, Hagerstown, Md.; No. 1138, Silver Spring, Md. (9-5-68 to 9-4-69); No. 1056, St. Paul, Minn.; No. 404, Salisbury, N.C. (8-3-68 to 8-2-69); No. 189, Canton, Ohio (9-5-68 to 9-4-69); No. 1207, Cleveland, Ohio; No. 1035, Columbus, Ohio; No. 180, Dayton, Ohio (9-5-68 to 9-4-69); No. 1065, Dayton, Ohio; No. 684, Delaware, Ohio; No. 26, East Liverpool, Ohio; No. 1059, Portsmouth, Ohio (9-6-68 to 9-5-69); No. 24, Springfield, Ohio; No. 27, Steubenville, Ohio (9-15-68 to 9-14-69); No. 123, Uhrichsville, Ohio; No. 183, Youngstown, Ohio (9-5-68 to 9-4-69); No. 37, Bradford, Pa. (7-22-68 to 7-21-69); No. 28, Chester, Pa.; No. 316, Edwardsville, Pa.; No. 325, Fairless Hills, Pa. (9-14-68 to 9-13-69); No. 323, Hazleton, Pa.; Nos. 1012 and 1052, Philadelphia, Pa. (9-5-68 to 9-4-69); No. 1037, Pottsville, Pa. (9-5-68 to 9-4-69); No. 1004, Dallas, Tex.; No. 216, Wichita Falls, Tex.; No. 451, La Crosse, Wis.; No. 579, Monroe, Wis.

Model Food Market, food store; North Hills Shopping Center, North Little Rock, Ark.; 8-23-68 to 8-22-69.

Morgan & Lindsey, Inc., variety stores from 8-8-68 to 8-7-69: No. 3005, Natchitoches, La.; No. 3033, Silsbee, Tex.

M. E. Moses, Co., Inc., variety store; No. 14, Dallas, Tex.; 8-13-68 to 8-12-69.

G. C. Murphy Co., variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated: No. 458, Mount Vernon, Ill.; No. 417, Goshen, Ind.; No. 119, Greencastle, Ind.; Nos. 104 and 215, Indianapolis, Ind.; No. 430, Madison, Ind.; No. 411, Noblesville, Ind.; No. 422, Peru, Ind.; No. 443, Salem, Ind.; No. 149, Annapolis, Md.; Nos. 134, 147, 238, and 267, Baltimore, Md. (9-12-68 to 9-11-69); Nos. 138, 148, 151, 152, 153, 200, and 224, Baltimore, Md.; No. 179, Cumberland, Md.; No. 268, Glen Burnie, Md. (9-12-68 to 9-11-69); No. 242, Hillcrest Heights, Md.; No. 273, Hyattsville, Md.; No. 236, Oxon Hill, Md.; Nos. 248 and 266, Rockville, Md.; No. 199, Silver Spring, Md.; No. 95, Westminster, Md.; No. 466, Logan, Ohio; No. 78, Bangor, Pa.; No. 271, Bethlehem, Pa. (9-12-68 to 9-11-69); No. 228, Havertown, Pa.; No. 79, Lehigh, Pa.; No. 193, Nazareth, Pa.; Nos. 229 and 246, Philadelphia, Pa.; No. 227, Willow Grove, Pa.

Neisner Brothers, Inc., variety stores, from 9-3-68 to 9-2-69: Nos. 30, 31, 52, 54, 57, 65, 74, and 97, Chicago, Ill.; No. 50, Joliet, Ill.; No. 150, Melrose Park, Ill.; No. 37, Waukegan, Ill.; No. 129, Rochester, Minn.; No. 20, St. Paul, Minn.; No. 100, Cincinnati, Ohio; No. 53, Cleveland, Ohio; No. 15, Elyria, Ohio; No. 19, Mansfield, Ohio; No. 36, Massillon, Ohio; No. 39, Norwood, Ohio; No. 114, Sandusky, Ohio; No. 134, Wichita Falls, Tex.

The New York Store, department store; 238-244 High Street, Pottstown, Pa.; 9-3-68 to 9-2-69.

J. J. Newberry Co., variety stores, from 9-3-68 to 9-2-69: No. 270, Martinsville, Ind.; No. 35, Northampton, Pa.; No. 66, El Paso, Tex.

Orlik's Inc., apparel; 6156 Glenway Avenue, Cincinnati, Ohio; 8-30-68 to 8-29-69.

Piggly Wiggly, Inc., food stores, from 8-12-68 to 8-11-69: No. 47, Allendale, S.C.; Hamlin, Tex.

Rose's Stores, Inc., variety store; No. 10, Rockingham, N.C.; 8-19-68 to 8-18-69.

Roth Brothers Co., department store; 1321-27 Tower Avenue, Superior, Wis.; 9-3-68 to 9-2-69.

Roth's Department Store, department store; 3rd and Locust Streets, Boonville, Ind.; 9-20-68 to 9-19-69.

W. A. Rowe Floral Co., agriculture; Kirkwood, Mo.; 7-27-68 to 7-26-69.

Rozier Mercantile Co., department store; 2 East Sainte Marles Street, Perryville, Mo.; 8-16-68 to 8-15-69.

Scott Store, variety store; No. 92, Chicago, Ill.; 8-27-68 to 8-26-69.

Search Food Stores, Inc., food stores, from 8-25-68 to 8-24-69: South Side, Greenfield, Ill.; West Clay Street, Roodhouse, Ill.; 121 South Main Street, Whitehall, Ill.

Steve's Shoes, Inc., shoe stores, from 8-23-68 to 8-22-69 except as otherwise indicated: 312 West 47th, Kansas City, Mo.; 345 Blue Ridge Center, Kansas City, Mo. (7-29-68 to 7-28-69); 2711 South Mall, Kansas City, Mo.

T. G. & Y. Stores Co., variety store; No. 113, Wichita Falls, Tex.; 8-2-68 to 8-1-69.

Turkey Knob Orchards, Inc., agriculture; Mount Jackson, Va.; 8-30-68 to 8-29-69.

J. C. Wiggins Co., Inc., food store; Winfield, Ala.; 7-18-68 to 7-15-69.

Larry Woodard Farms, Inc., agriculture, from 6-23-68 to 6-22-69: Lepanto, Ark.; Osceola, Ark.

Woods 5 & 10¢ Stores, variety store; Rockingham, N.C.; 7-15-68 to 7-14-69.

F. W. Woolworth Co., variety stores; No. 814, Jackson, Miss.; 8-16-68 to 8-15-69; No. 2232, Pine Lawn, Mo.; 7-22-68 to 7-21-69; No. 2252, Alamogordo, N. Mex.; 9-1-68 to 8-31-69.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

The Baby Shop, Inc., apparel; 1120 Washington Square Mall, Evansville, Ind.; salesclerk, marker, detail clerk, stock clerk; from 1 to 11 percent; 9-3-68 to 9-2-69.

Boogaart Food Store, food store; 601-11 North Main, McPherson, Kans.; sacker, carryout, cleanup; from 17 to 38 percent; 8-26-68 to 8-25-69.

Crest Stores Co., variety stores, from 7-14-68 to 7-13-69 except as otherwise indicated, salesclerk, stock clerk, from 10 to 45 percent: South Forest Shopping Center, Asheville, N.C. (8-17-68 to 8-16-69); Smith Crossroads Shopping Center, Lenoir, N.C.; Town & Country Shopping Center, Lincoln, N.C.; 519 12th Street, West Columbia, S.C. (8-1-68 to 7-31-69).

Bill Crook's Food Town, food store; No. 4, Nashville, Tenn.; stock clerk, sacker; from 10 to 11 percent; 8-26-68 to 8-25-69.

J. S. Dillon & Sons Stores Co., Inc., food store; No. 14, Hays, Kans.; cashier, checker, clerk, carryout, maintenance, wrapper; from 6 to 24 percent; 9-16-68 to 9-15-69.

Don's Model Market, food store; Levy Shopping Center, North Little Rock, Ark.; sacker, carryout, stock clerk; 15 percent; 8-23-68 to 8-22-69.

Dreyfuss & Son, apparel stores, from 8-21-68 to 8-20-69, salesclerk, stock clerk, cashier, sacker, runner, from 7 to 27 percent; 1701 Main Street, Dallas, Tex.; 515 North Park Center, Dallas, Tex.

Falls Super Market, Inc., food store; 405 South Mill Street, Redwood Falls, Minn.; stock clerk, carryout; from 7 to 24 percent; 9-3-68 to 9-2-69.

Food Giant Super Markets, Inc., food store; No. 11, Tucson, Ariz.; carryout; from 16 to 24 percent; 8-22-68 to 8-21-69.

Furr's, Inc., food stores, from 8-13-68 to 8-12-69, box-courtesy clerk; No. 39, Alamogordo, N. Mex., 20 percent; No. 58, Amarillo, Tex., 20 percent; No. 59, Amarillo, Tex., from 13 to 20 percent; No. 64, Amarillo, Tex., from 15 to 20 percent; No. 63, Hereford, Tex., from 15 to 20 percent.

Goldblatt Brothers, Inc., department store; 3057 West 159th Street, Markham, Ill.; salesclerk, stock clerk; from 5 to 7 percent; 8-14-68 to 8-13-69.

W. T. Grant Co., variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, cashier, except as otherwise indicated: No. 977, Northridge, Calif., from 4 to 18 percent (8-1-68 to 7-31-68); No. 143, Oxnard, Calif. (salesclerk), from 4 to 7 percent (8-1-68 to 7-31-69); No. 1140, Granite City, Ill., from 7 to 25 percent (8-3-68 to 8-2-69); No. 1157, Evansville, Ind., from 4 to 24 percent; No. 3625, Gary, Ind., from 3 to 14 percent (8-21-68 to 8-20-69); No. 1082, Baltimore, Md., from 7 to 15 percent; No. 1131, Baltimore, Md., from 7 to 10 percent (9-12-68 to 9-11-69); No. 1166, Silver Spring, Md., from 4 to 10 percent (8-19-68 to 8-18-69); No. 69, St. Paul, Minn. (salesclerk, office clerk), from 8 to 10 percent; No. 66, Pompton Plains, N.J. (salesclerk, office clerk, stock clerk), from 8 to 33 percent (8-21-68 to 8-20-69); No. 471, Concord, N.C. (salesclerk), from 4 to 11 percent (6-14-68 to 6-13-69); No. 1143, Folcroft, Pa., 22 percent; No. 1077, Newtown Square, Pa., from 10 to 15 percent; No. 1064, Shamokin, Pa. (salesclerk, stock clerk), from 9 to 44 percent (8-17-68 to 8-16-69).

H. E. B. Food Store, food stores, from 9-3-68 to 9-2-69, bottle clerk, package clerk, sacker, 10 percent except as otherwise indicated: No. 99, Bellmead, Tex.; No. 93, Belton, Tex.; No. 95, Del Rio, Tex. (from 9 to 10 percent); No. 113, Lampasas, Tex.

Hill Farms, Inc., agriculture; Eagle Nest Plantation, Parkin, Ark.; cotton and soybean production worker; from 2 to 19 percent; 8-23-68 to 8-22-69.

Import Plaza, variety store; 1 Northwest Couch, Portland, Oreg.; pricing clerk, stock clerk, janitorial, cashier; 69 percent; 6-18-68 to 6-17-69; replacement.

S. S. Kresge Co., variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, checker-cashier, except as otherwise indicated, 10 percent except as otherwise indicated: No. 4127, Little Rock, Ark. (salesclerk, from 2 to 15 percent; 8-19-68 to 8-18-69); No. 791, Clearwater, Fla. (salesclerk, from 2 to 10 percent); No. 4140, Atlanta, Ga. (salesclerk, from 11 to 22 percent, 7-10-68 to 7-9-69); No. 4551, Chicago, Ill. (from 16 to 42 percent); No. 25, Markham, Ill. (from 18 to 28 percent); No. 503, Oak Brook, Ill. (from 12 to 20 percent); No. 45, Peoria, Ill. (from 4 to 18 percent); No. 4079, Fort Wayne, Ind. (salesclerk, from 5 to 10 percent, 8-26-68 to 8-25-69); No. 4014, Kokomo, Ind. (salesclerk); No. 466, Mishawaka, Ind. (9-7-68 to 9-6-69); No. 4571, Peru, Ind. (from 5 to 10 percent); No. 597, Richmond, Ind.; No. 4222, Merriam, Kans. (from 5 to 10 percent, 9-13-68 to 9-12-69); No. 4192, Southfield, Mich. (salesclerk, stock clerk, maintenance, checker-cashier, 8-14-68 to 8-13-69); No. 4204, Warren, Mich. (stock clerk,

maintenance, salesclerk, office clerk, checker-cashier, 7-28-68 to 7-27-69; No. 323, Rochester, Minn. (from 14 to 27 percent); No. 578, Hazlewood, Mo. (salesclerk, stock clerk, office clerk, checker-cashier, maintenance, from 17 to 30 percent, 7-28-68 to 7-27-69); No. 4220, Kansas City, Mo. (from 5 to 10 percent, 8-26-68 to 8-25-69); No. 4120, Lincoln, Nebr. (salesclerk, stock clerk, maintenance, office clerk, checker-cashier, from 3 to 10 percent, 8-1-68 to 7-31-69); No. 434, Cleveland, Ohio (salesclerk, checker-cashier, stock clerk, maintenance); No. 199, Dayton, Ohio (salesclerk, checker-cashier, stock clerk, maintenance, from 8 to 10 percent, 8-19-68 to 8-18-69); No. 4179, Dayton, Ohio (salesclerk, checker-cashier, stock clerk, maintenance, from 8 to 10 percent, 9-1-68 to 8-31-69); No. 4528, Lorain, Ohio (salesclerk, checker-cashier, stock clerk, maintenance, from 5 to 10 percent); No. 314, Parma, Ohio (salesclerk, checker-cashier, stock clerk, maintenance); No. 686, Tiffin, Ohio (salesclerk, checker-cashier, stock clerk, maintenance, 8-23-68 to 8-22-69); No. 4194, Wyoming, Ohio (salesclerk, from 7 to 22 percent, 7-22-68 to 7-21-69); No. 509, Upper Darby, Pa. (salesclerk, from 2 to 10 percent); No. 779, Spartanburg, S.C. (salesclerk, from 10 to 20 percent); No. 4132, Arlington, Tex. (salesclerk, stock clerk, checker-cashier, maintenance, office clerk, from 7 to 27 percent, 8-23-68 to 8-22-69); No. 4195, Beaumont, Tex. (salesclerk, from 7 to 27 percent, 8-22-68 to 8-21-69); No. 761, Fort Worth, Tex. (salesclerk, from 7 to 10 percent); No. 4259, Fort Worth, Tex. (salesclerk, from 7 to 27 percent, 8-23-68 to 8-22-69); No. 782, Houston, Tex. (salesclerk, from 7 to 27 percent, 8-12-68 to 8-11-69); No. 4089, La Crosse, Wis. (from 3 to 10 percent); No. 442, Neenah, Wis.

S. H. Kress & Co., variety store; 1012 Peachtree Street NE., Atlanta, Ga.; salesclerk, stock clerk; from 0.08 to 19 percent; 9-12-68 to 9-11-69.

Kwik Shop, Inc., food stores, from 8-26-68 to 8-25-69, cashier, checker, carryout, clerk, maintenance, wrapper, from 11 to 32 percent; No. 789, Topeka, Kans.; No. 769, Wichita, Kans.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, from 9 to 16 percent except as otherwise indicated: Nos. 90 and 144, Jacksonville, Fla., 7-1-68 to 4-11-69, replacement; Nos. 97 and 194, Jacksonville, Fla., 7-1-68 to 4-18-69, replacement; No. 180, Jacksonville, Fla., 7-1-68 to 3-16-69; No. 266, Hammond, Ind. (from 6 to 23 percent), 8-19-68 to 8-18-69, replacement; No. 315, Scranton, Pa. (from 2 to 15 percent), 8-19-68 to 8-18-69.

Lucky Foods, food store; No. 10, Memphis, Tenn.; package clerk, carryout; from 17 to 20 percent; 8-19-68 to 8-18-69.

Magic Mart, Inc., department stores, for the occupations of salesclerk, stock clerk, janitorial; 1605 East Harding, Pine Bluff, Ark., from 6 to 17 percent, 8-14-68 to 8-13-69; Highway 84 and Locust Street, Caruthersville, Mo., from 6 to 31 percent, 8-23-68 to 8-22-69; Parkview Shopping Center, Marshall, Tex., from 17 to 40 percent, 9-3-68 to 9-2-69.

Mason's Store, variety stores, from 9-6-68 to 9-5-69, salesclerk, from 5 to 10 percent; West 12th Street and Pittsburgh Avenue, Erie, Pa.; Broad Street and Buffalo Road, Erie, Pa.; Route 56 and Luray Avenue, Johnstown, Pa.

McCrory-McLellan-Green Stores, variety stores, from 8-3-68 to 8-2-69 except as otherwise indicated, salesclerk, office clerk, stock clerk except as otherwise indicated: No. 375, Phoenix, Ariz., from 9 to 20 percent (9-6-68

to 9-5-69); No. 709, Sierra Vista, Ariz., from 4 to 17 percent (9-14-68 to 9-13-69); No. 371, Fort Lauderdale, Fla., from 13 to 26 percent; No. 361, New Smyrna Beach, Fla., from 4 to 17 percent; No. 7501, Orlando, Fla., from 4 to 15 percent; No. 247, Omaha, Nebr. (salesclerk, stock clerk, office clerk, janitorial), from 7 to 21 percent (8-1-68 to 7-31-69); No. 362, Fairborn, Ohio, from 6 to 20 percent (9-5-68 to 9-4-69); No. 346, La Vale, Md. (salesclerk, office clerk, stock clerk, janitorial), from 1 to 5 percent (9-3-68 to 9-2-69); No. 354, Salisbury, Md. (salesclerk), from 1 to 10 percent (9-14-68 to 9-13-69); No. 372, Troy, Ohio, from 6 to 20 percent (9-8-68 to 9-7-69); No. 167, Pottstown, Pa. (salesclerk, stock clerk, office clerk, janitorial), from 1 to 18 percent (9-3-68 to 9-2-69); No. 1, Scottsdale, Pa., from 8 to 27 percent; No. 254, York, Pa. (salesclerk, office clerk, stock clerk, janitorial), from 22 to 27 percent (8-22-68 to 8-21-69).

Minimax food store; 1001 South Broadway, La Porte, Tex.; bagger, carryout, janitorial; from 8 to 10 percent; 8-14-68 to 8-13-69.

G. C. Murphy Co., variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, janitorial, from 10 to 28 percent except as otherwise indicated: No. 309, Washington, D.C. (from 9 to 25 percent, 9-12-68 to 9-11-69); Nos. 91 and 285, Baltimore, Md. (from 16 to 31 percent); No. 301, Glen Burnie, Md. (from 14 to 23 percent); No. 307, Greensburg, Pa. (from 7 to 21 percent, 8-12-68 to 8-11-69); No. 51, McKees Rocks, Pa. (from 13 to 27 percent, 8-8-68 to 8-7-69); No. 8, Washington, Pa. (from 3 to 23 percent, 8-26-68 to 8-25-69); No. 288, Abilene, Tex.; No. 219, Fort Worth, Tex.; No. 294, Odessa, Tex.; No. 283, Texarkana, Tex.; No. 319, Richmond, Va. (from 9 to 17 percent, 8-26-68 to 8-25-69).

Neisner Brothers, Inc., variety stores, from 9-3-68 to 9-2-69 except as otherwise indicated, salesclerk, stock clerk, office clerk, from 10 to 29 percent except as otherwise indicated: No. 178, Apopka, Fla. (8-4-68 to 8-3-69); No. 87, Haines City, Fla. (7-29-68 to 7-28-69); No. 202, Crystal Lake, Ill. (from 6 to 22 percent); No. 180, Del Rio, Tex. (from 6 to 14 percent).

Parisian Mercantile Corp., department store; 205 Morley Avenue, Nogales, Ariz.; salesclerk, marker, gift wrapper, stock clerk; from 1 to 10 percent; 9-3-68 to 9-2-69.

Park-N-Save, food store; Monroe, Ohio; carryout, stock clerk, cleanup; 10 percent; 8-28-68 to 8-27-69.

Park View Manor, nursing home; Park Avenue, Sac City, Iowa; nurses aide; from 3 to 10 percent; 9-3-68 to 9-2-69.

Piggly Wiggly, Inc., food store; Candor, N.C.; bagger, checker, stock clerk, 20 percent; 8-19-68 to 8-18-69.

Rayless Department Store, department store; 317 Chickamauga Avenue, Rossville, Ga.; salesclerk, stock clerk, clerk, marker, janitorial; from 11 to 29 percent; 7-10-68 to 5-30-69.

Rose's Stores, Inc., variety store; No. 93, Belhaven, N.C.; salesclerk; from 2 to 25 percent; 7-11-68 to 7-10-69.

Roth's Department Store, department store; 100 East 3rd Street, Mount Vernon, Ind.; salesclerk; from 4 to 6 percent; 8-28-68 to 8-27-69.

Scheels Downtown Hardware, Inc., hardware; 122 Broadway, Fargo, N. Dak.; salesclerk, stock clerk; from 5 to 10 percent; 9-9-68 to 9-8-69.

Scott Store, variety stores, from 8-15-68 to 8-14-69, salesclerk, stock clerk, checker; No. 108, Bensenville, Ill., from 23 to 39 per-

cent; No. 104, Wheaton, Ill., from 23 to 39 percent; No. 38, Iowa City, Iowa, from 6 to 15 percent; No. 913, Flat River, Mo., from 6 to 15 percent; No. 920, Cuyahoga Falls, Ohio, from 11 to 23 percent; No. 910, Milford, Ohio, from 10 to 26 percent; No. 922, Warren, Ohio, from 11 to 23 percent.

Selfert's, Inc., apparel; 105-107 East Main, Ottumwa, Iowa; salesclerk, merchandising, cleanup; from 2 to 9 percent; 8-10-68 to 8-9-69.

Skinner's Store, drug stores, from 8-21-68 to 8-20-69, salesclerk, from 7 to 27 percent; Nos. 6,002 and 6,003, Dallas, Tex.

Spies Supermarket, food store; 910 East Sioux, Pierre, S. Dak.; checker, carryout, janitorial, wrapper, stock clerk; from 18 to 24 percent; 8-19-68 to 8-18-69.

Sterling Stores Co., Inc., variety store; 519 Waldron, Corinth, Miss.; salesclerk stock clerk, janitorial; from 12 to 43 percent; 9-6-68 to 9-5-69.

Sunshine Department Store, department store; 32 Hawthorne Plaza, Mableton, Ga.; salesclerk; from 8 to 10 percent; 8-1-68 to 7-6-69.

Super Discount Stores, Inc., variety store; 1223 Lejeune Boulevard, Jacksonville, N.C.; salesclerk, stock clerk; from 8 to 32 percent; 8-8-68 to 8-7-69.

Super Duper Food, food store; 802 Pine Street, Abilene, Tex.; sacker, stock clerk; from 6 to 10 percent; 9-1-68 to 8-31-69.

T. G. & Y. Stores Co., variety stores, for the occupations of salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 784, Russellville, Ala., from 2 to 17 percent, 9-5-68 to 9-4-69; No. 634, Los Angeles, Calif., from 19 to 35 percent, 8-26-68 to 8-25-69; No. 705, Monroe, La., from 3 to 15 percent, 9-5-68 to 9-4-69; No. 770, Laurel, Miss., from 2 to 17 percent, 9-5-68 to 9-4-69; No. 1,900, Alamogordo, N. Mex., from 14 to 24 percent, 8-26-68 to 8-25-69; No. 288, Espanola, N. Mex., from 13 to 24 percent, 8-28-68 to 8-27-69; No. 444, Tulsa, Okla., from 24 to 30 percent; 8-15-68 to 8-14-69; No. 1,781, Easley, S.C. (salesclerk, stock clerk), from 18 to 30 percent, 9-16-68 to 9-15-69; No. 329, Gainesville, Tex., 30 percent, 9-9-68 to 9-8-69; No. 809, Texas City, Tex., from 8 to 20 percent, 8-28-68 to 8-27-69.

Tradewell Super Market, food store; 997 Roby Road, Huntington, W. Va.; carryout, stock clerk, cashier; from 16 to 22 percent; 8-19-68 to 8-18-69.

The Tug Valley Cash & Carry, food store; Williamson, W. Va.; carryout, stock clerk; 15 percent; 8-16-68 to 8-15-69.

Variety Food Store, Inc., food store; 3226 Wrightsboro Road, Augusta, Ga.; package clerk; from 13 to 15 percent; 8-22-68 to 8-21-69.

F. W. Woolworth Co., variety store, from 8-17-68 to 8-16-69 except as otherwise indicated, salesclerk: No. 1,403, Fayetteville, Ark., from 1 to 9 percent; No. 2,409, Topeka, Kans., from 4 to 23 percent; No. 561, Wellington, Kans., from 2 to 13 percent (7-22-68 to 7-21-69); No. 2,456, Wichita, Kans., from 2 to 13 percent; No. 2,071, Lake Charles, La., from 6 to 22 percent; Nos. 554 and 1086, New Orleans, La., from 5 to 22 percent (7-27-68 to 7-26-69); No. 1315, Flat River, Mo., from 4 to 17 percent; No. 2,465, Amarillo, Tex., from 3 to 17 percent (7-28-68 to 7-27-69).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will

not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code

of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C. this 6th day of November, 1968.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

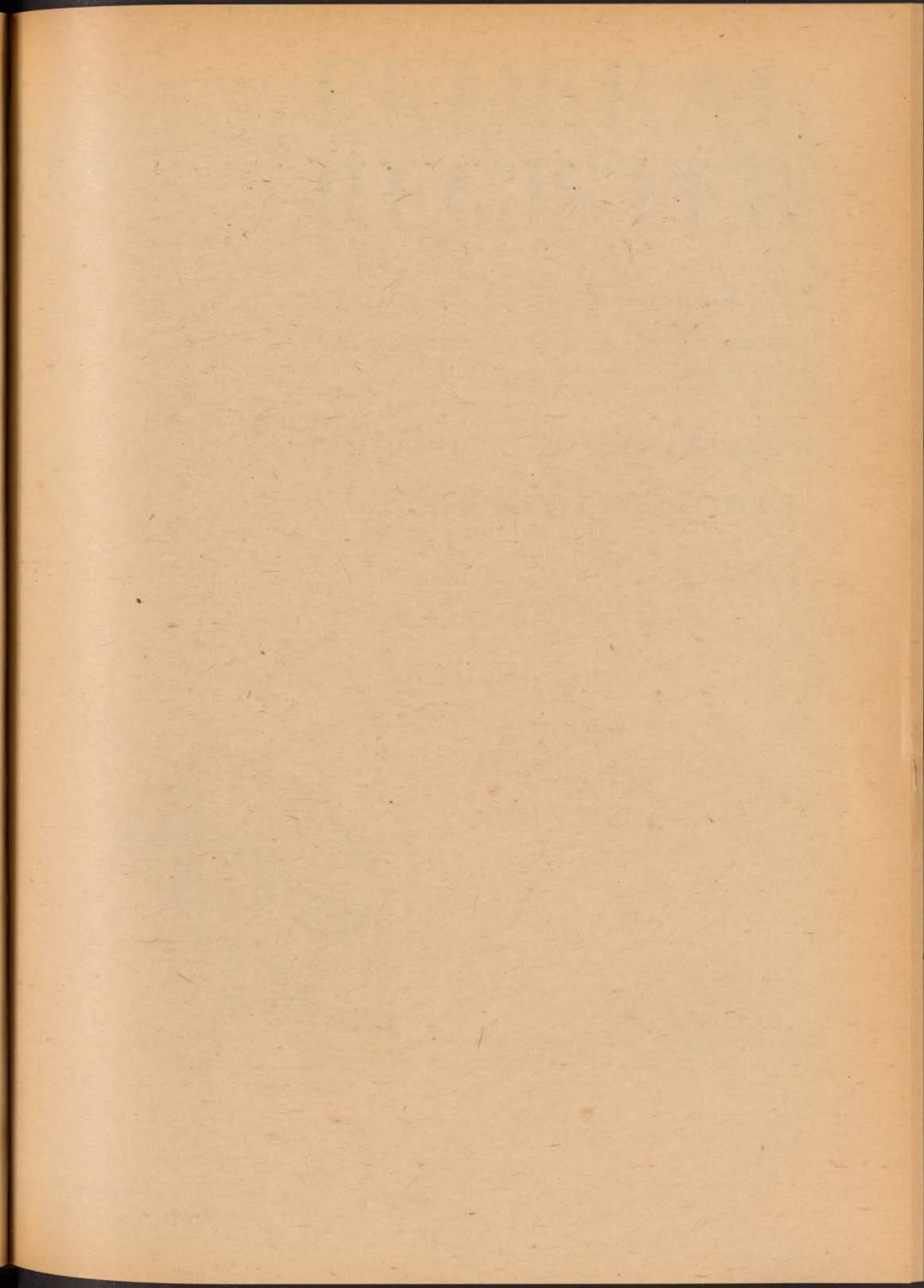
[F.R. Doc. 68-13751; Filed, Nov. 14, 1968;
8:46 a.m.]

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FEDERAL REGISTER

VOLUME 33 • NUMBER 223

Friday, November 15, 1968 • Washington, D.C.

PART II

Department of the Treasury
Internal Revenue Service

GUN CONTROL

LIST OF
PUBLISHED
ORDINANCES



DEPARTMENT OF THE TREASURY

Internal Revenue Service

GUN CONTROL**Published Ordinances of Political Subdivisions of States**

By virtue of authority delegated under Treasury Order 150-67, there is hereby compiled a list of the published laws of political subdivisions of States, which are determined to be relevant to the enforcement of chapter 44, title 18, United States Code, relating to firearms.

The relevant published ordinances are listed alphabetically by State without regard to political subordination.

The list of ordinances for each State is preceded by relevant State statutes pertaining to the purchase and possession of firearms.

This compilation is in implementation of title I of the Gun Control Act of 1968 (Public Law 90-618; 82 Stat. 1213) effective December 16, 1968.

HAROLD A. SERR,
*Director, Alcohol and Tobacco Tax Division,
Internal Revenue Service, U.S. Treasury Department.*

ALABAMA

State Law

ALA. CODE ANN. TITLE 14

170. *Selling, etc., pistol or bowie knife to minor.* Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

172. *Definitions.* As used in this article, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length; "crime of violence" means any of the following crimes, or an attempt to commit any of them, namely, murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny; "person" includes any firm, partnership, association or corporation.

174. *Certain persons forbidden to possess pistol.* (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

178. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

179. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; the triplicate he shall retain for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

181. *Dealer's licenses, by whom granted and conditions thereof.* The duly constituted licensing authorities of any city, town or political subdivision of this state may grant licenses in forms prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the following conditions in addition to those specified in section 179 of this title, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this article. The business shall be carried on only in the building designated in the license. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. No pistol shall be sold in violation of any provisions of this article, nor

shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside. The fee for issuing said license shall be fifty cents which fee shall be paid into the state treasury.

182. *Certain transfers forbidden.* No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

183. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

184. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

185. *Antique pistols.* This article shall not apply to the purchase, possession, or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

ALA. CODE ANN. TITLE 35

175. *Commanding officer may order certain places closed.* When any part of the militia of Alabama is in active service by order of the governor or other civil magistrate, to aid in the enforcement of the laws, the commanding officers of such troops may order the closing of any places where intoxicating liquors, arms, ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town, or village where the troops are on duty, or in the vicinity of such place, or for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order or not; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendant of the county, city, or town, or villages may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

ALA. CODE ANN. TITLE 57

94(1). *Defacement of trade or other identifying marks on motors, guns, machinery, etc.* Any person who defaces, or permits same to be done, with intent to defraud any trademark or other identifying mark on any automobile motor or other motor, pistols, guns,

electrical equipment, radios, motor vehicles, refrigerators, furniture, household or office equipment or any other personal property when said property is encumbered with a mortgage, conditional sale contract or other lien, shall be guilty of a misdemeanor and shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for not more than six months.

94(2). *Presumption of guilt.* Any person (other than the absolute owner of said property, while same is free and clear of mortgages, retention of title contracts or other encumbrances) found in possession of such property under any claim of right, with knowledge that said property has been defaced by a person or persons with intent to defraud after said trademarks or other identifying marks have been defaced shall be presumed to be guilty of defacing said marks and shall be punished as provided in section 94(1) hereof unless said person in possession overcomes the presumption by clear and convincing proof.

Anniston

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Bessemer

39.8. *Definitions.* Pistol, as used in this article, means any firearm with a barrel less than twelve inches in length.

Crime of violence, as used in this article, means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

39.10. *Certain persons forbidden to possess pistols.* (a) No person who has been convicted in this city or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or a habitual drunkard shall own a pistol or have one in his possession or under his control.

39.13. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to any person who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard or of unsound mind.

39.14. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

39.15. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his pos-

session with intent to sell, or otherwise transfer, any pistol without being licensed.

Birmingham

56-12. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

Pistol. Any firearm with a barrel less than twelve inches in length.

56-20. *Statement required of persons desiring to purchase—Filing.* At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

56-21. *Same—Disposition of copies.* The seller receiving a statement filed as provided in section 56-20 shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the city. The duplicate copy of such statement shall be retained by the seller for six years.

56-22. *Delivery to purchaser.* No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

56-24. *Delivery to certain persons forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

Florence

15-29. *Misdemeanor; penalty.* Any person committing an offense within the city or its police jurisdiction which is declared by any law heretofore or hereafter enacted by the legislature of the state to be a misdemeanor, shall, upon conviction, be fined by the court trying the case in a sum not exceeding one hundred dollars, and may also, in the discretion of the court trying the case, be sentenced to hard labor for the city or imprisonment in the city jail for not exceeding six months.

In any prosecution under this section, the rules of evidence and burden of proof as determined by the statutes of the state on the subject shall apply.

15-39. *Selling to or use by minors.** It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.

Irondale

376. *Misdemeanor, offense against town.* Any person who does any act which under the laws of the State of Alabama is held to be a misdemeanor, or made punishable as such, shall be guilty of such offense against the Town of Irondale, and on conviction, must be punished as prescribed.

Montgomery

45-4. *Selling or giving small pistols to minors.** It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

45-5. *Possession of small pistols by minors.* It shall be unlawful for any minor in the city to have in his possession or use any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Oxford

1. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

2. The seller receiving a statement filed as provided in Section One shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of this city. The duplicate copy of such statement shall be retained by the seller for six years.

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

4. The provisions of Sections One-Three shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

* COMPILER'S NOTE: Alabama State Law indicates a minor is a person who is under eighteen years of age.

Tuscaloosa

34-13. *Definitions.* For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. The term "crime of violence" means any of the following crimes, or an attempt to commit any of them: Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34-15. *Sale or delivery to minors, drug addicts, prohibited.* No person shall sell, give or deliver a pistol to any person under the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

34-16. *Sale to unknown purchaser.* No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34-17. *Statement required of purchaser; delivery to purchaser.* At the time of applying for the purchase of a pistol, the purchaser shall sign a statement containing his full name, address, occupation, color, place of birth, the date and hour of the application, the caliber, make, model and manufacturer's number of the pistol to be purchased, and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall, within six (6) hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police.

No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded.

ALASKA

State Law

ALASKA STATS. ANN.

11.55.030. *Possession by convicts.* A person who has been convicted of a felony, or a misdemeanor involving assault and battery, assault with a dangerous weapon, burglary, robbery and like crimes, by a court in the state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, or carry concealed about his person a knife with a blade over two inches long or a dirk or dagger, slingshot, metal knuckles, or an instrument by the use of which injury could be inflicted upon the person or property of another.

11.55.070. *Possession of firearm while under influence of intoxicating liquor or drug.* A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine

of not more than \$1,000, or by imprisonment in a jail for not more than one year, or by both.

ARIZONA

State Law

ARIZ. REV. STATS. TITLE 13

13-918. *Sale or gift of firearm to minor; punishment.* A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

13-919. *Possession of pistol by criminal; definitions.* A. It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, its territories, districts or possessions, or of the several states, to possess a pistol, unless such person has been pardoned for such crime or has by law regained full status as a citizen.

C. "Pistol" within the provisions of this section means any weapon with a barrel less than twelve inches in length, which is designed to expel a projectile by the action of expanding gas.

D. "Crime of violence" within the provisions of this section means murder, manslaughter with a dangerous weapon or implement other than an automobile, assault with a dangerous weapon, rape, mayhem, kidnapping, robbery, burglary or assault with intent to commit any offense punishable by imprisonment for more than one year.

ARIZ. REV. STATS. TITLE 26

26-178. *Illegal possession of equipment; penalty.* A. A person having in his possession a uniform, arms, equipment, supplies or other military property of the state or United States, who secretes, disposes of, offers for sale or in any manner pledges, retains or refuses to deliver to an officer entitled to demand possession of the property, or who, being a member of the national guard, wears, when not on duty, such uniform or equipment without permission of his commanding officer, is, if the property is of a value more than fifty dollars, guilty of a felony, and if the value is less than fifty dollars, guilty of a misdemeanor punishable as provided by law.

ARKANSAS

State Law

ARK. STATS. TITLE 11

11-507. *Ban on sale of firearms—Cooperation with civil authorities.* Whenever any part of the active Militia of this State is on active duty pursuant to the order of the Governor, in the enforcement of the law, or executing the orders of the commander-in-chief, the commanding officer of such troops may order the closing of any place where arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away any of said articles so long as any of the troops remain on duty in such place, or in the vicinity where such place may be located, whether any civil officer has forbidden the same or not. The commanding officer of the organizations on detail under sections fourteen [§ 11-114] and sixteen [§ 11-116] will cooperate in aid of the civil power, but under the orders of the commander-in-chief or the adjutant-general and not of the civil authorities.

ARK. STATS. TITLE 41

41-4507. *Uniform machine gun act—Definitions.* "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which

more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41-4509. *Offensive or aggressive purposes—Penalty.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of (not less than ten (10) years).

41-4510. *Offensive or aggressive purpose defined.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [§ 41-4514] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

41-4511. *Evidence of possession or use of machine gun.* The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41-4518. *Tear gas—Carrying or possession a misdemeanor.* Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor.

Little Rock

25.96. *Pistols, sale and transfer regulated—Definitions.* (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheel-lock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid

prosecution or imprisonment for a crime of violence.

25-97. *Same—License required; sales restricted.* (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. *Same—Possession by certain persons prohibited; permit to display serial number; record of sales.* (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

CALIFORNIA

State Law

WEST'S ANN. CALIF. CODES, PENAL CODE

12001. *Definitions.* "Pistol," "revolver" and "firearm capable of being concealed upon the person" as used in this chapter apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than twelve inches in length.

1203.4 *Discharged probationer; change of plea or vacation of verdict; dismissal of charge; release from penalties and disabilities; application; pleading prior conviction in prosecution for subsequent offenses.* Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, shall at any time thereafter be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusations or information against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess or have in his custody

or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

12020. Manufacture, sale, possession of certain weapons prohibited. Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a black jack, slung shot, billy, sandclub, sandbag, sawed off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

12021. Aliens, narcotic addicts forbidden possession of firearms. Any person who is not a citizen of the United States and any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars (\$500), or by both.

12021.5. Possession of concealed firearm by minor. A minor may not possess a concealable firearm unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession.

12071. License to sell. The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

3. No pistol or revolver shall be delivered.

(a) Within 5 days of the application for the purchase, and when delivered shall be unloaded and securely wrapped.

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

12072. Restrictions on transfer of certain firearms. Misdemeanor. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within 5 days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other

person within this State who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

12076. Register of sales; signature of purchaser; witness; violations; mailing copies. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his legal name and affix his residence address and date of birth to the register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

The triplicate sheet of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the Bureau of Criminal Identification and Investigation at Sacramento and the duplicate shall be mailed, postage prepaid, to the chief of police, or other head of the police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the duplicate sheet shall be mailed to the sheriff of the county wherein the sale is made.

If, on receipt of the triplicate sheet, it appears to the bureau that the purchaser resides in a district other than that to which the duplicate is required to be mailed, the bureau shall make an additional copy and transmit it to the head of the municipal police department, if any, in the district in which the purchaser resides or, if none, to the sheriff of the county in which he resides.

12078. Exceptions. Authorized sale to certified personnel. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Bureau of Criminal Identification and Investigation a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

12079. Mail order firearms; registry of same, fees. Penalty for violation. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff of the county where such person resides or maintains his principal place of business. Such record shall be substantially in the following form:

12090. Tampering with marks on firearm; violation, penalty. Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the State Bureau of Criminal Identification and Investigation, on any pistol or revolver, without first having secured written permission from the bureau to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

12091. Evidence of tampering. Possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.

12094. Buying or selling weapon without identifying number. Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol or revolver which does not bear the manufacturer's number or other mark of identification in its original condition or as restored, or a distinguishing number or mark assigned to it by the State Bureau of Criminal Identification and Investigation is guilty of a misdemeanor.

12200. "Machine gun" defined. The term "machine gun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger and includes any frame or receiver which can only be used with such weapon.

12201. Exceptions. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshals' offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

12220. Transporting or possession unlawful. Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine and imprisonment.

12230. Issuance of permit. Chief of the Bureau of Criminal Identification and Investigation may issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issue thereof to the applicant for such permit but no permit shall be issued to a person who is under 21 years of age.

12231. Application. Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the firearms are to be put.

Applications and permits shall be uniform throughout the State on forms prescribed by the Bureau of Criminal Identification and Investigation.

12250. Licenses to sell; conditions. The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in

a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machine guns subject to all of the following conditions, upon breach of any of which the license shall be revoked:

3. No machine gun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

12301. *Definition of "destructive devices".* The term "destructive device," as used in this chapter shall, include the following weapons:

(1) Any projectile containing any explosive or incendiary material or any other chemical substance;

(2) Any bomb, grenade, missile, or similar device or any launching device therefor;

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than .60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

12302. *Exceptions to prohibition of sale or possession.* Nothing in this chapter shall prohibit the sale to, purchase by, or possession of destructive devices by:

(a) Any sheriff, constable, marshal, policeman, member of the California Highway Patrol, or other duly appointed peace officer while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

12303. *Penalty for sale, possession or transport.* Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed three years, or by a fine not to exceed five thousand dollars (\$5,000), or both such fine and imprisonment.

12304. *Penalty for sale, possession or transport of ammunition for prohibited weapons.* Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars (\$1,000), or by both such fine and imprisonment.

A second or subsequent conviction shall be punished by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison for a term not to exceed three years, or by a fine not to exceed three thousand dollars (\$3,000), or by both such fine and imprisonment.

12305. *Permits required and issuance of same for use of destructive devices.* Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Chief of the Bureau of Criminal

Identification and Investigation. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars (\$50). Such permit shall be valid for a period of one year only.

12306. *Same. Fees.* Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Chief of the Bureau of Criminal Identification and Investigation before possessing or transporting any destructive device. The chief may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars (\$10). The chief shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

12400. *Shell, cartridge or bomb.* "Shell, cartridge or bomb" as used in this chapter shall apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

12401. *Tear gas.* "Tear gas" as used in this chapter shall apply to and include all liquid, gaseous or solid substances intended to produce temporary discomfort or permanent injury through being vaporized or otherwise dispersed in the air, but does not apply to, and shall not include, pesticides, dog repellants and other substances not intended to be used to produce discomfort or injury to human beings.

12402. *Weapon designed for the use of such shell, cartridge or bomb.* The term "weapon designed for the use of such shell, cartridge or bomb" as used in this chapter shall apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

12403. *Exemptions.* Nothing in this chapter shall prohibit police departments and regular salaried members thereof, sheriffs, and their regular salaried deputies or the military or naval forces of this State or of the United States from purchasing, possessing or transporting shells, cartridges or bombs for official use in the discharge of their duties.

12420. *Sale, possession or transportation; punishment.* Any person, firm or corporation who within this State knowingly sells or offers for sale, possesses or transports any form of shell, cartridge, or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed two years or by a fine not to exceed two thousand dollars (\$2,000), or by both.

12423. *Permits.* The Chief of the Bureau of Criminal Identification and Investigation may issue a permit for the possession and transportation of shells, cartridges, bombs or weapons upon proof that good cause exists for the issuance thereof to the applicant for such permit. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

12424. *Application.* Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is

a firm or corporation, and shall state the name, business in which engaged, business address, a full description of the place or vehicle in which the shells, cartridges, bombs or weapons are to be transported, kept, installed or maintained.

If the shells, cartridges, bombs or weapons are to be used in connection with or to constitute a protective system, the application shall also contain the name of the person who is to install the protective system.

12435. *License for sale or installation.* The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of shells, cartridges, bombs or weapons subject to the following conditions upon breach of any of which the license shall be subject to forfeiture:

1. The business shall be carried on only in the building designated in the license.

2. The license or certified copy thereof shall be displayed on the premises in a place where it may easily be read.

3. No shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of this chapter. No protective system involving the use of shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of the system.

4. A complete record shall be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons, is displayed to the seller and the information required by this section is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the Chief of the Bureau of Criminal Identification and Investigation.

12500. *"Silencer" defined.* The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

12501. *Exceptions.* Nothing in this chapter shall prohibit any city or county, state or federal officer, or the military or naval forces of this State or of the United States from possessing silencers for official use in the discharge of their duties.

12520. *Possession unlawful.* Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars (\$5,000), or by both.

12550. *Sale of firearms to minor.* No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

12551. *Sale of firearms to minor. Misdemeanor.* Every person who sells to a minor under the age of 18 years any firearm, airgun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

12560. *Possession of firearms by convicted felon.* Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars (\$500), or by both such term of imprisonment and such fine.

Alameda

16-512. *Maxim silencer.* It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16-517. *Firearms and air rifles—Use or possession of by minors.* It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument form or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

Buena Park

18-13. *Possession or use of firearms prohibited.* No person under the age of eighteen years shall use or have in his possession any firearm, spring gun, air rifle, slingshot or ammunition within the city.

18-14. *Giving, selling, etc., of firearms to minors.* No person shall give, sell or loan to any person under the age of eighteen years any firearm, spring gun, air rifle, slingshot or ammunition.

Burbank

8-1400. *License to sell firearms at retail.* Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California.

8-1401. *Unlawful to sell without prior notice to chief of police, etc.* It shall be unlawful for any person, not licensed under Section 8-1400 above, to sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of

Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee.

8-1407. *Firearms, minor; possession.* (a) No person under sixteen (16) years of age shall have in his possession any firearm, spring gun, air gun or gas operated gun, or ammunition for such weapons.

This section shall not apply to a minor under the age of sixteen (16) years when engaged in shooting as provided for in Section 8-1402 hereof, or when traveling to and from any of the places mentioned in subsections (a), (b) and (c) of Section 8-1402 for the purposes of shooting.

(b) No person under sixteen (16) years of age shall have in his possession any other device not mentioned in subsection (a) capable of discharging a dangerous or deadly missile unless engaged in shooting or practicing at a location designated for such purpose by the Chief of Police, or when traveling to or from any such location, or when defending life or property.

(c) The preceding subsections (a) and (b) shall be applicable to minors between sixteen (16) and eighteen (18) years of age, in possession of the items mentioned therein, without the consent of a parent or legal guardian.

Clovis

4-5.07. *Sale of firearms.* (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, either title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold, leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person.

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any spring-back knife, rifle, pistol, revolver, gun, slingshot, slingshot, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.

Compton

3603. *Firearms—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.

3603.1 *Minors—Possession of.* No person under 18 years of age shall have in his

possession, care, custody or control any article or thing mentioned in the preceding section.

Corona

4-4-1. *Minors, firearms, etc., sale, etc., to.* No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any airgun, "B-B gun", gas operated or spring gun, or any ammunition therefor, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or any mechanical devices; or any instrument, toy, or weapon commonly known as a "slingshot", or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

4-4-2. *Possession prohibited.* No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 4-4-1 except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian, or having in his possession written permission signed by such parent or guardian permitting him to have any of said articles in his possession.

Culver City

36-9. *Minors—Sale of firearms to.* It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description, or any spring or air gun designed or intended to discharge, or capable of discharging, any dangerous missile.

36-10. *Same—Possession of firearms.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding Section.

El Cajon

18-12. *Sale to minors.* No person shall sell within the city to any minor child any dart, arrow or sharp pointed missile, pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.

El Cerrito

3501. *Sale of firearms to minors.* It shall be unlawful for any person to sell to any minor in the City of El Cerrito, or to allow any such minor to carry any firearm, or gun, or rifle or other gun or device discharging by the use of powder, air or springs, or any sling or sling-shot except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.

Fullerton

7.20.010. *Firearms—Providing prohibited.* No person shall sell, exchange, give or loan any gun, revolver, pistol or firearms of any description, to any person under the age of eighteen years.

Glendale

11-10. *Firearms and weapons generally—Selling, lending, etc., to persons under eight-*

een years of age. No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned in the city, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

11-13. *Same—Persons under age of eighteen not to possess firearms, ammunition, etc.* No person under the age of eighteen years shall have in his possession, care, custody or control in the city, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive.

Hawthorne

8-303. *Firearms and ammunition to minors.* (a) Selling, etc. No person shall sell, exchange, give or loan any gun, revolver, pistol or other firearm, or any cartridge, shell, ammunition, or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen (18) years.

(b) Possession, etc. No minor under the age of eighteen (18) years shall have in his possession, care, custody or control any gun, revolver, pistol, or other firearm, or any cartridge, shell, ammunition, or other device, containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or other firearm.

Los Angeles

45.01. *Firearms—Knives—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any springback knife, gun, revolver, pistol or firearm of any description or any spring or airgun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

45.02. *Firearms—Minors—Possession of.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Montclair

4-5.01. *Definitions.* For the purposes of this chapter, certain words and phrases used herein are defined as follows:

(a) "Firearm" shall mean and include, but shall not be limited to, any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, slingshot, or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance or spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

(b) "Deadly or dangerous weapon" shall mean and include, but shall not be limited to, any dirk or dagger; any knife with a blade three (3") inches or more in length; any snap blade or spring blade knife regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor or other blade fitted to a handle; any dangerous or deadly weapon within the meaning of any laws of the State restricting the use thereof; any cutting, stabbing, or bludgeoning weapon or device capable of inflicting grievous bodily harm; and any firearm.

4-5.03. *Possession by minors.* No person under eighteen (18) years of age shall have in his possession, care, custody, or control any knife any blade of which exceeds three (3") inches in length, or any snap blade or spring

blade knife regardless of the length of the blade, or any firearm.

4-5.04. *Sales to minors.* It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Pittsburg

583.2. No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object; provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such minors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.

San Bernardino

1. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun," gas-operated gun or spring gun, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "slingshot," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

2. No person under the age of 18 years shall have in his possession, care, custody or control any of the articles mentioned in Section One of this ordinance except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian.

San Bruno

16-6. *Firearms—Sale to and possession by minors.* (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Carlos

7330. *Definition of "firearms."* Firearms is defined as a cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun, or any other weapon of similar nature designed to discharge a projectile by the expansion of a gas.

7335. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Francisco

521. *Sale of firearms and explosive cartridges to minors prohibited.* It shall be unlawful for any person or persons within the limits of the City and County of San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of seventeen years any pistol or other firearm or any toy pistol or imitation of any pistol or firearm, or instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any

cartridge or cap, whether loaded or not with ball.

613. *Regulating sale of concealed weapons.* It shall be unlawful for any person in the business of selling, leasing or otherwise transferring pistols, revolvers or other firearms of a size capable of being concealed on the person, to sell, lease or otherwise transfer such pistol, revolver or other firearm, unless the person to whom such sale, lease or transfer is made shall exhibit a permit issued by the Chief of Police of this city and county authorizing such person to purchase, lease or otherwise acquire such pistol, revolver or other firearm.

617. *Exceptions.* This section and Sections 612 to 616, inclusive of this Article, shall not apply to wholesale dealers, in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jose

4258. *Selling pistol to minor.* No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, air gun or other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

San Mateo

61.05. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen (18) years, ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas or a spring.

Santa Barbara

9.36.010. *Definitions.* For the purposes of this chapter the following words and phrases when used in this chapter shall have the meanings respectively ascribed to them by this section.

4. "Firearms" means any gun, rifle, shotgun, pistol, revolver or any other device which projects a missile by an explosive type of ammunition, including but not limited to firearms capable of being concealed upon the person.

9.36.090. *Delivery of firearms to minors prohibited.* No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.

Santa Maria

17-8. *Firearms—Sales to or possession by minors.* It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, or to carry any sling or slingshot, except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

3509. *Firearms, knives, and other devices. Sale to minors.* No person shall sell, exchange, give, or loan to any person under 18 years of age any spring-back knife, gun, revolver, pistol, or firearm of any description or any spring or airgun or any sling or slingshot or other device designed or intended to discharge or propel any pellets, B-B shot, shot, or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

3510. *Same. Possession by Minors.* No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

3511. *Same. Exceptions.* It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person under the age of 18 years from having in his possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian for the purpose of lawfully engaging in contests or games of skill and lawfully shooting at targets upon established target ranges, whether public or private, while such person is using such article or device upon such target ranges, or while going to and from such ranges and, provided further, that such person is accompanied by and under the direct care and control of some person over the age of 21 years.

Torrance

45.3.6. *Firearms, air guns, etc. in possession of minors.* It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Upland

4270.1. *Firearms defined.* The words "Firearm" or "Firearms" as used in this Part, includes, but is not limited to: any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

4270.2. *Deadly or dangerous weapons defined.* The words "Deadly or Dangerous Weapon" as used in this Part, includes, but is not limited to: any dirk or dagger; any knife with a blade three inches or more in length, any snapblade, gravity or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor or other blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of the State of California restricting the use thereof; and any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm and any firearm.

4270.4. *Minors. Possession of firearms, knives, etc.* That no person under eighteen

years of age shall have in his possession, care, custody or control, any knife, any blade of which exceeds three inches in length; or any snapblade, gravity, or spring blade knife, regardless of the blade, or any firearm or firearms.

4270.5. *Minors. Giving firearms, etc., prohibited.* It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any firearm or firearms as defined in Section 4270.1 of this Part.

4270.10. *Exceptions.* The foregoing shall not apply or be deemed to apply in the following cases:

(a) When the firearm or weapon is in the possession of any peace officer for use in the enforcement of law;

(b) When the firearm or weapon is in the possession of a person who has a valid permit to possess and carry the same issued by a duly authorized governmental authority;

(c) When any such firearm is being used at or in connection with the operation of any lawful pistol or rifle range in accordance with rules and regulations approved by the Chief of Police of the City of Upland, or the City Council of said City, and

(d) In the case of ordinary rifles, shotguns, tools or sports equipment possessed or carried in good faith for uses of honest work, trade or business or for the purpose of legitimate game hunting, sport or recreation.

Walnut Creek

3-6.04. *Sale of weapons to minors.* It shall be unlawful for any person to sell to any minor under eighteen (18) years of age, or to allow any such minor to carry ammunition for, any firearm, gun, rifle, or other gun or device discharging by the use of powder, air, or springs, or any sling or slingshot, except when accompanied by an authorized person over eighteen (18) years of age; provided, however, that the provisions of this chapter shall not apply to the possession of such firearms, or other instruments or ammunition thereof, by such minors in bona fide shooting galleries, or on a pistol and rifle range, the locations of which have been approved by the Council.

West Covina

4402. *Providing minors with firearms unlawful.* No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device containing any explosive device designed and intended for use in any of the weapons enumerated herein.

Whittier

4260.12. *Minors—Firearms, etc., selling, etc., to prohibited.* No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile. The provisions of this Section shall not apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.

4260.12(a). *Same—Ammunition, explosives, etc., selling to prohibited.* No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any

explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

4260.12(b). *Same—Possession of—Prohibited.* No person under the age of eighteen years shall have in his possession, care or control any gun, revolver, pistol, firearm, spring gun, air gun or similar device, except as provided in this Part.

COLORADO

State Law

COLO. REV. STATS.

40-11-10. *Possession of firearms or deadly weapons by certain felons.* (1) Any person previously convicted of murder, voluntary manslaughter, assault to commit murder, assault with a deadly weapon, or robbery, burglary, rape, mayhem, arson, larceny, or of possession of narcotics, within the immediately preceding ten years, who shall use or carry concealed upon his person any firearms, as defined by law, or any pistol, revolver, bowie knife, dagger, sling shot, brass knuckles, or other deadly weapon shall be guilty of a felony, and upon conviction thereof, for the first offense shall be punished by imprisonment in the penitentiary for a term of not less than two years nor more than ten years, and for a second or subsequent offense, shall be punished by imprisonment in the penitentiary for a term of not less than five years nor more than ten years.

(2) The foregoing provisions of this section shall not apply to any person carrying firearms properly cased to and from a range for the purpose of engaging in target practice or lawful hunting.

Aurora

10-3-2. *Sale of weapons.* It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Boulder

36-11. *Sales, etc., to drunkards, drug addicts and minors.* It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Brighton

7-443. *Unlawful to sell weapons to intoxicated persons.* It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years. Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by Brighton to such person, firm or corporation.

Cortez

13-84. *Unlawful to sell weapons to intoxicated persons.* A. It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug,

stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

Denver, City and County of

846-1. *Unlawful to carry concealed weapons.* 1-1. It shall be unlawful for any person to wear under his clothes, or concealed about his person, or to display in a threatening manner or to flourish, any dangerous or deadly weapon, including, but not by way of limitation, any pistol, revolver, short-barreled rifle, shot gun, air gun, gas operated gun, or spring gun, sling shots, cross knuckles, or any other material whatsoever, or any bowie knife, dirk, dagger, or any knife resembling a bowie knife, or any other dangerous or deadly weapon.

5. *Identification and records concerning sales, etc.* 5-1. Every person who sells, rents, or exchanges at retail any weapon described in Section 846.1-1 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

6. *Unlawful to sell weapons to intoxicated persons.* 6-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Section 846.1-1 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Grand Junction

19-60. *Furnishing to intoxicated persons.* No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greeley

15-125. *Firearms sale to intoxicated persons, drug addicts, minors.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Las Animas

10-4-6.1. *Unlawful to sell weapons to intoxicated persons.* It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability.

CONNECTICUT

State Law

CONN. GEN. STATS. ANN. TITLE 29

29-27. *"Pistol" and "revolver" defined.* The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

29-31. *Display of permit to sell. Record of sales.* No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser

or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity. The vendor of any pistol or revolver shall keep a record of each pistol or revolver sold in a book kept for that purpose, which record shall be in such form as is prescribed by the commissioner of state police and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, and shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for at least six years.

29-33. *No sale to aliens. Application to purchase. Waiting period.* No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of one week from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

CONN. GEN. STATS. ANN. TITLE 53

53-202. *Machine guns.* (1) "Machine gun," as used in this section, shall apply to

and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device, "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who possesses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. * * * (9) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, ter-

ritory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

Seymour

2. It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation, or association to sell or offer for sale to any person under the age of sixteen years any air gun or rifle or pistol, B-B gun, spring gun, or pistol, or rifle, or any other implement which impels with force a pellet of any kind, or any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder or other chemical propellant which such devices are generally known as firearms, within limits of the Town of Seymour.

DELAWARE

State Law

DEL. CODE ANN. TITLE 11

464. *Possession or sale of spring or air weapon or silencer; exceptions.* (a) Whoever owns, possesses, sells, or in any manner has control of—

(3) any device, including what is commonly known as a maxim silencer, which may be attached to any weapon or firearm for the purpose of silencing or making less audible the sound of the discharge or firing thereof, shall be fined in such amount or imprisoned, for such term, or both, as the court, in its discretion, may determine.

(d) No child under 16 years of age shall have possession of any firearm or what is commonly known as a B.B. or air rifle or the shot thereof unless under the direct supervision of a full adult. The parents or the legal guardian of a child violating the provisions of this subsection shall be fined an amount not to exceed \$25 and shall be held financially liable for any property damage or physical injury that occurs as the result of such violation.

(e) Subsections (c) and (d) of this section shall apply only to New Castle County. As amended 52 Del. Laws, Ch. 33, eff. May 5, 1959.

465. *Possession of machine gun; exceptions.* Whoever, other than the State military forces or duly authorized police departments, has a machine gun in his possession within this State, is guilty of a felony and shall be fined in such amount or imprisoned for such term, or both, as the court, in its discretion, may determine.

470. *Purchase and possession of firearms by certain persons prohibited.* Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any firearm during the commission of such felony, or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in Delaware that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, who purchases, owns, possesses, or controls any firearm or weapon capable of firing a missile or projectile with sufficient force to cause death or serious bodily injury shall be fined not less than \$500 nor more than \$2,000, or imprisoned not less than 90 days nor more than 5 years, or both.

Any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium shall be granted 60 days from the enactment of this Act to procure and possess a certificate from the State Board of Trustees of the Mental Health

Department stating that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm.

Any person having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, or having been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, may apply to the State Board of Pardons for permission to purchase, own, or possess a firearm. The decision of the Board shall be final. The Board may adopt such rules, regulations, and procedures as are necessary to effectuate the provisions of this section.

Delmar

2. No person shall offer for sale any gun, pistol, rifle or BB-Gun or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.

FLORIDA

State Law

FLA. STATS. ANN.

250.32. *Commanding officer's control of arms sales.* When any part of the militia of Florida is in active service by the order of the governor to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any places where arms, ammunition, dynamite, explosives, or intoxicating liquors, are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town or village where the troops are on duty, or in the vicinity of such place, for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intend of the county, city, town or village may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

790.17. *Furnishing weapons to minors under eighteen years of age, etc.* Whoever sells, hires, barter, lends or gives any minor under eighteen (18) years of age any pistol, dirk, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barter, lends or gives to any person of unsound mind any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding three (3) months, or by fine not exceeding fifty dollars (\$50.00).

790.18. *Selling arms to minors by dealers.* It is unlawful for any dealer in arms to sell to minors any pistol, Springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles or sling shot, and every person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

790.22. *Use of BB guns and rifles by child under sixteen; limitation.* (1) The use for any purpose whatsoever of BB guns, air rifles, and 22-calibre rifles by any child under the age of sixteen years is prohibited unless such use is under the supervision and in the presence of an adult. (2) Any adult responsible for the welfare of any child under the age of sixteen years who knowingly permits such child to use or have in his possession any BB gun, air rifle, or 22-calibre rifle in violation of the

provisions of subsection (1) of this section, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred dollars or by imprisonment for not longer than thirty days.

790.23. *Felony; possession of firearms unlawful; exception; penalty.* (1) It is unlawful for any person who has been convicted of a felony in the courts of this state, or convicted of an offense in any other state, territory or country which if committed in Florida would be deemed a felony, to own or to have in his care, custody, possession or control any pistol, sawed-off rifle or sawed-off shotgun. A sawed-off rifle or sawed-off shotgun is defined for the purposes of this section as being any rifle or shotgun with a caliber greater than twenty-two caliber and with a barrel less than sixteen inches long.

(2) This section shall not apply to a person having been convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for not more than ten years.

Avon Park

14-61. *Firearms sale or giving to minors without permission of parent or guardian.* It shall be unlawful for any person to sell, hire, barter, lend, or give to any minor under sixteen years of age any pistol, dirk, or other arm or weapon other than an ordinary pocket knife, or a gun or rifle used for hunting, without the permission of the parent or guardian of such minor.

Bay Harbor

2. Any person who shall have in his possession in the Town of Bay Harbor Islands any pistol, revolver, or other firearm, or any dangerous or deadly weapon of a size which may be concealed upon the person, without a written license therefor, issued to him as hereinafter prescribed, shall be guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

11. Every license issued pursuant to this ordinance shall expire on the first day of May after the date of issuance, provided, however, that any such license may be limited as to time to expire on a date fixed in the license prior to such date. Each license issued to possess a weapon not to be carried on the person shall specify the place where the licensee shall possess the same. Each original application for a license to carry a weapon on the person shall be accompanied by a photograph of the applicant in duplicate which photograph shall be taken within thirty (30) days prior to the filing of such application and one copy of which shall be attached to the license and the other remain with the application.

13. This ordinance shall not apply to sheriffs, policemen, or to other duly appointed peace officer, nor to duly authorized members of military or civil organizations when parading, nor to the members thereof when going to and from the place of meeting of their respective organizations.

Cocoa Beach

15-36. *Firearms—Possession by felons, intoxicated persons, etc.* It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

Coral Gables

20-15. *Firearms—Sale.* (a) Definition. The word "firearm" as used in this section shall

be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26-inches, rifles having barrels less than 16-inches, and shotguns having a barrel length of less than 18-inches, machine guns, sub-machine guns and machine pistols or any fully automatic weapons capable of firing more than one shot at each pull of the trigger. This section shall not apply to any antique weapons with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in writing, on a form to be supplied by the chief of police, a duplicate statement containing true and correct information which shall be signed by the applicant, and shall include the following:

(1) Name and any alias or aliases used by applicant.

(2) Present address and address of all places where applicant has resided for the past three (3) years.

(3) Occupation, name of employer, place of employment and address.

(4) Date of birth and name of city, state or country where born.

(5) Statement that the applicant is not a convicted felon in this state or any other state of the United States of America.

(6) Date and time application is made to purchase, borrow, lease, rent, sell or transfer firearm.

(7) Applicant's color, sex, weight, height, complexion, color of hair.

(8) Applicant shall submit photograph, together with set of fingerprints, which shall be part of the registration.

(9) Purpose for which the gun is desired. The person to whom said pistol, revolver or other firearm is sold, leased, loaned, rented or otherwise transferred, shall sign the application and designate his address thereon, and shall furnish a complete description of said weapons to the chief of police of the City of Coral Gables and shall present the same at the police station for a physical inspection by the police department.

The salesman shall affix his signature as a witness to the signature of the person to whom such firearm is sold, leased or transferred, together with the dealer's business name and address.

(c) Sale of firearms to minors restricted. It shall be unlawful for any person knowingly and wilfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in section 20-15(b) hereof.

(d) Sale of firearms to felons prohibited. It shall be unlawful for any person knowingly or wilfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(e) Sale of firearms to users of narcotics prohibited. It shall be unlawful for any person knowingly or wilfully to sell, lend, give, or deliver any firearm to any person addicted to the use of narcotics, or users of drugs, stimulants or depressants.

(f) Sale of firearms to persons under the influence of intoxicating beverages. It shall be unlawful for any person knowingly or wilfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

20-16.1. Same—Waiting period required; investigation. (a) Dealers or persons licensed to sell firearms shall, before selling, lending,

renting, leasing, giving or delivering the firearms, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four (24) hour waiting period, only, under the circumstances and to those persons listed below:

(1) Applicant must furnish any United States of America, State of Florida, County, or Municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

(2) Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) or twenty-four (24) hour waiting period required:

(1) Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(2) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of sections 20-15, 20-16, and 20-16.1, the following information shall be imprinted on the application:

The issuing agency or authority;

The card number;

The name and address identical to that on the card.

(3) Persons who are on record with the police department as having previously purchased a pistol, revolver, or firearm as defined in section 20-15 (a) hereof.

(4) Persons trading an operable pistol, revolver or firearm, as defined in section 20-15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of section 20-16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

Dade County

21-7. Sale of firearms to. It shall be unlawful for any person to sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

21-20.14. Sale or delivery of firearms or ammunition to certain classes of persons. It shall be unlawful to sell or deliver any

firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

21-16. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the county to such person.

21-17. Possession of weapons by felons, intoxicated persons, etc. It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

21-20.1. Definitions. (a) The word firearm as used in this division, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

De Land

21-21. Weapons—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

21-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city.

Gainesville

18-40. Sale to minors. It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

Hollywood

790.17. Furnishing weapons to minors under eighteen years of age, etc. Whoever sells, hires, barters, lends or gives any minor under eighteen (18) years of age any pistol, dirk, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor and upon conviction shall be punished by

imprisonment not exceeding three (3) months, or by fine not exceeding fifty dollars (\$50.00).

790.18. *Selling arms to minors by dealers.* It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, bowie knife, or dirk knife, brass knuckles or sling shot, and every person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

790.23. *Felons; possession of firearms unlawful; exception; penalty.* (1) It shall be unlawful for any person who has been convicted of a felony to own or to have in his care, custody, possession or control any pistol, sawed-off rifle or sawed-off shotgun. A sawed-off rifle or sawed-off shotgun is defined for the purposes of this section as being any rifle or shotgun with a calibre greater than twenty-two calibre and with a barrel less than sixteen inches long.

(2) This section shall not apply to a person having been convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section shall be guilty of a felony, and upon conviction, shall be punished by imprisonment in the state prison for not more than ten years.

Jacksonville

26-65. *Weapons—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

Miami

61-1. *Written statement by purchaser of firearms—Required.* Any person desiring to purchase or receive delivery of a revolver or other firearm of any description shall be required to first give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing true and correct information concerning his name, occupation, residence and last prior residence before coming to the city. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver, gun or other firearm to any other person, without having previously obtained such statement from the person seeking actual delivery of the firearm. It shall be unlawful for any person to give any false information in any statement required by this section.

61-3. *Sale of weapons, firearms, tear gas pens, etc., to minors.* (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

Miami Beach

25-104. *Weapons—Pistols, etc.—Notice of intention to obtain.* Any person desiring to purchase, acquire or receive delivery of any pistol or revolver of any description shall be required to file a notice of such intention with the chief of police and give information

concerning his name, residence, a full description of such firearm and the name and address of the person from whom such firearm will be obtained.

25-105. *Same—Same—Form of registration certificate.* It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police.

25.110. No firearm shall be delivered to any person until 72 hours after the sale of any firearm.

25.112. It shall be unlawful for any person knowingly and wilfully to sell, lease, lend, give or deliver any firearm to any person under the age of 21; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

North Palm Beach

(e) *Sales to intoxicated persons and minors.* No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ocala

15-96. *Firearms—Sale to intoxicated persons or minors.* It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Palm Springs

Village of Palm Springs Ordinance No. 7 adopted Florida State Statute, Chapter 790, Sections 790.01 through 790.25.

Quincy

35.12. *Registration of pistols, machine guns and submachine guns required.* No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

35.13. *Procedure for registration.* In order for a pistol, machine gun or submachine gun to be registered, the weapon shall be produced before the chief or assistant chief of police for his inspection and the chief or assistant chief of police shall make and keep in a record book, for that purpose, a record of the name of the person registering the pistol, machine gun or submachine gun, together with the permanent address or place of residence of such person and the title which such person claims in said weapon whether as owner, bailee, pledgee or otherwise and in the event the person so registering the weapon shall not claim to be the owner thereof, then the name and address of the reputed owner based on information furnished by the person registering same, together with a record of the type, make, caliber, and model and serial number of said pistol, machine gun or submachine gun and such other identifying data and descriptive matter pertaining to said pistol, machine gun or submachine gun as to make the same

readily identifiable from the description of same.

St. Petersburg

1. Every retail dealer who deals in and sells pistols, revolvers, or any other weapons, which are generally described and referred to as a "hand gun" shall require the purchaser to register his name, age and place of residence in a book the dealer shall keep for that purpose. The dealer shall record in said book the date of sale, the make, model, type, and the number of the weapon purchased. This register shall be available for the inspection of any law enforcement officer, and be kept available for two years from the date of purchase. A card shall be furnished to the Police Department containing the particulars aforesaid on a form furnished by such Department within a reasonable time after each sale.

2. It shall be unlawful for any dealer of weapons described in Section 1, or any agent or employee to fail or refuse to comply with the provisions of said section.

3. It shall be unlawful for any person purchasing a weapon as described in Section 1 to give a false name, age or place of residence as provided in this Ordinance.

Tampa

26-33. *Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited.* It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun or shotgun or rifle having a barrel of less than twenty inches in length, or any firearm equipped with a silencer, or any other firearm, except a pistol or revolver, which is capable of being concealed on the person. This section shall not apply to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county, or municipal law enforcement officers.

West Palm Beach

51.1. *Permit for purchase, sale, etc.—Required.* It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, blackjack, knuckles, handcuffs or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

GEORGIA

State Law

GEORGIA CODE ANN. TITLE 26

26-5108. *Selling or furnishing weapons to minors.* Any person who shall knowingly sell or furnish any minor with a pistol, dirk, bowie knife, or sword cane, shall be guilty of a misdemeanor. Nothing herein contained shall be construed as forbidding the furnishing of such weapons under circumstances justifying their use in defending life, limb, or property.

26.5110. *Same; permit to buy.* It shall be unlawful for any person or persons to purchase machine guns, without producing a permit signed by the mayor of the town in which such purchase is made, or by the sheriff of the county where such purchase is made without a municipality, and no persons shall sell, or offer to sell to another, machine guns, unless the purchaser exhibits a permit herein provided for.

26.5111. *Same; municipal ordinances not affected.* If such municipality has ordinances covering the sale and handling of machine guns, sections 26-5109 and 26-5110 shall not supersede such ordinances undertaking

more in detail to regulate the sale of machine guns, and said sections shall apply thereto.

26-5503. *Fire bomb or Molotov cocktail; definition.* For the purposes of this law [§§ 26-5503 through 26-5505], the terms "fire bomb" or "Molotov cocktail" shall mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick, or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped, but said terms shall not include any device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards in the streets, roads, highways and bridges of this State.

26-5504. *Same; punishment for possessing, manufacturing, selling, offering for sale, giving away or transporting.* Any person who shall possess, manufacture, sell, offer for sale, give away, or transport a fire bomb or fire bombs within this State shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years, or by a fine not exceeding \$1,000, or by both such fine and imprisonment.

26-5505. *Same; law not applicable to certain persons.* The provisions of this law [§§ 26-5503 through 26-5505] shall not apply to any device which may be classified as a fire bomb or Molotov cocktail pursuant to the definition contained in section 26-5503, when such device is in the use, possession or control of any member of the armed forces of the United States, any fireman, or any law enforcement officer when such member of the armed forces, fireman or law enforcement officer is acting in his official capacity or otherwise under proper authority.

(Note: Title 26, Code of Georgia, Chapters 26-51 and 26-55, are repealed effective July 1, 1969 and Act No. 1157 (H.B. No. 5), approved April 10, 1967 is substituted therefor (see below).)

GEORGIA CODE ANN. TITLE 26

86-1302. *Closing places where firearms and ammunition are sold, etc.* Whenever any force of the organized militia is or has been called out for the performance of any duty under the provisions of section 86-106, it shall be lawful for the commanding officer of such force, if in his judgment the maintenance of law and order in the area into which such force has been ordered will be thereby promoted, to close places where arms and ammunition are sold, and all places where disorder is likely to occur.

86-9907. *Unlawful sale or disposal of arms or ammunition, etc.* Any person who shall sell or dispense arms or ammunition in violation of an order of a commanding officer under the authority of section 86-1302, or who shall maintain a place ordered to be closed under said authority, shall be guilty of a felony, and upon conviction thereof shall be confined to the penitentiary for not less than two nor more than five years.

GEORGIA FIREARMS AND WEAPONS ACT, HOUSE BILL NO. 1438, ACT 1004, EFFECTIVE APRIL 8, 1968

1. *Short title.* This Act shall be known and may be cited as the "Georgia Firearms and Weapons Act."

2. No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in Section 5.

3. A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off

shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer, as defined in this Act, and upon conviction for such he shall be punished by imprisonment for not less than one nor more than five years.

4. (a) The term "sawed-off shotgun", as used in this Act, shall mean any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosives in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger, and which has an over-all length of 15 inches or less.

(b) The term "sawed-off-rifle", as used in this Act, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun", as used in this Act, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon" as used in this Act shall mean any weapon commonly known as a "rocket launcher", "bazooka" or "recoilless rifle", which fires explosive or non-explosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or armed weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person", when used in this Act, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer", when used in this Act, shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from which a shot, bullet or projectile may be discharged by an explosive.

5. *Exceptions.* The provisions of this Act shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the Director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the Armed Forces of the United States to wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is author-

ized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U.S.C. 5841-5862).

6. *Burden of proof of Exceptions, etc.* In any complaint, information, accusation or indictment, and in any action or proceeding brought for the enforcement of any provision of this Act, it shall not be necessary to negative any exception, excuse, proviso or exemption contained in this Act, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

7. This Act shall be deemed and shall be construed to be cumulative of and supplemental to any existing laws of this State applicable to the subject or subjects governed by this Act. Provided, however, that in the event any provisions of this Act are in conflict with existing laws, then the provisions in this Act shall govern and take precedence.

8. All laws and parts of laws in conflict with this Act are hereby repealed.

ACT NO. 1157 (H.B. No. 5), APPROVED APRIL 10, 1967 (SEE NOTE BELOW)

26-1405. *Criminal possession of an incendiary.* (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of one hundred fifty (150) degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States, or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding \$1,000 or by both.

26-2905. *Furnishing weapons to minors.* A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, metal knuckles, or knife designed for the purpose of offense and defense.

26-2906. *Machine guns; sale etc., illegal.* A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment by not less than one nor more than 5 years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26-2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26-2907. *Exemptions.* Sections 26-2901, 26-2902, 26-2903, and 26-2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty

or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract.

A prosecution based upon a violation of sections 26-2901, 26-2902, 26-2903, or 26-2906 need not negative any exemptions.

(NOTE: Act No. 1157 (H.B. No. 5), approved April 10, 1968 Repeals Title 26, Code of Georgia, Chapters 26-51 and 26-55 effective July 1, 1969 and these enacted provisions are applicable.)

Atlanta

Article II. Firearms

20-55. *Definition of "pistol."* A "pistol", for the purpose of this article, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

20-61. *Sale of .22 caliber firearms prohibited; exception.* (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars (\$39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

20-73. *Definitions.* As used in this article unless the context otherwise requires, terms shall have the meanings ascribed as follows: Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U.S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U.S. passport.

Person includes an individual, partnership, association or corporation.

20-74. *Identification of purchaser.* No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining said firearm shall furnish identification to the said dealer setting forth his name, present address and age.

Columbus

14-63. *Sale of pistols, cartridges—Record, inspection.* All persons doing business in the city or its police district who sell or dispense

pistols or pistol cartridges shall at all times keep in their places of business complete lists and descriptions of all pistols and pistol cartridges kept, sold or delivered by them, and the names and addresses of persons to whom sold or delivered, which lists shall be open to inspection at all times by members of the police department of the city.

14-64. *Same—Notice; investigation; approval; waiting period.* No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character, and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character, or that the pistol or cartridges are desired for illegal purposes, or for other than purely defensive purposes, he shall disapprove the proposed sale, and when so disapproved, it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department in charge of such department during the absence of the chief.

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14-65. *Dangerous weapons; prohibited.* No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

14-66. *Exclusion from chapter.* The preceding sections of this chapter are not applicable to pawnbrokers and pawnbroker's sales stores, they being regulated by provisions of this Code specifically relating to them; but this chapter is applicable to all other persons, and the words "persons" or "person," as used herein, shall in addition to them, include their managers, agents, clerks and employees.

15-8. *Prohibited items—Receiving.* No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

15-9. *Same—Possessing.* No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15-10. *Pistols and cartridges; sale, notice, police findings.* All pawnbrokers and pawnbroker's sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character or that the pistol or cartridges are desired for illegal purposes or for other than purely defensive purposes, he shall disapprove the proposed sale, and, when so disapproved, it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department of the city in charge of such department during the absence of the chief.

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

De Kalb County

I. As used in this ordinance, unless the context otherwise requires, terms shall have the meanings described as follows:

A. Dealer means any person regularly engaged in the business of selling firearms, as defined herein.

B. Firearms means any pistol, revolver or derringer, gun or rifle, by whatever name known, which is designed to expel a projectile, or projectiles, by action of an explosive, and a firearm muffler or a firearm silencer, or any part, or parts of such weapon.

C. Identification means any driver's license, birth certificate, U.S. military identification card, Baptismal or Christening certificate, employee's identification card or U.S. passport, provided same shows age and home address of employee.

D. Person includes an individual, partnership, association, or corporation.

III. No dealer in firearms, as defined herein, shall sell, trade or dispose of in any way, any firearm unless the person obtaining said firearm shall furnish identification to the said dealer setting forth his, or her, name, present address, and age.

Macon

14-23. *Licenses.* It shall be unlawful for any person, merchant or pawnbroker, as aforesaid, to sell any pistol or revolver to any person unless such person has secured from the Ordinary of Bibb County a license, as required by law.

Rossville

61. Be it ordained by the Mayor and the Council of the City of Rossville, Georgia: 1. That, from and after the final adoption of this Ordinance, all wholesale and retail sellers, vendors, and merchants selling, exchanging, or otherwise changing ownership or title to any and all types of firearms within the City of Rossville, Georgia, or conveying or transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. Such record and registration shall disclose the Name of Purchaser, Buyer, or Vendee; the make, model, serial number, and caliber of said firearm. 2. That within twenty-four (24) hours, after the sale, delivery and registration of said firearms, the seller, vendor or merchant aforesaid, shall transmit to the Chief of Police of the City of Rossville, Georgia, a true and exact copy of the registration record provided in Section 1 of this ordinance.

Savannah

24-105. *Firearms—Sale—Report and record.* Any person conducting any business in the city wherein pistols, firearms and weapons of like nature are sold shall, before selling to any person such a weapon, secure the name of the person, his address, the occupation in which he is engaged and the federal social security number of such person, if he is required to have one. The person selling such weapon shall also write a complete description of the weapon sold and shall, within a period of twenty-four hours from the sale of the same, furnish a complete report, in writing, showing all the above information to the chief of police, who shall keep and maintain the same as a permanent record. Such record shall be open to the public inspection and shall be kept and maintained in the police department under the supervision of the chief of police.

24-106. *Same—Same—Purchaser must have permit or license.* No person shall sell or deliver to any purchaser a pistol or firearm of similar character until and unless the purchaser has presented to the seller a permit or license issued under existing state law authorizing the purchaser to carry such weapon.

Valdosta

18-39. *Weapons—Sales of, regulated.* (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, dirk or switch-blade knife without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement as to whether applicant has been convicted of any crime of violence or charged with the violation of criminal law in this or any other state.

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. In so doing the merchant or dealer shall give full and complete information with respect to the proposed purchaser, his name, age, color, place of residence, criminal record, if any, and such other information as the police may require. Failure to furnish truthful information on the part of such purchaser shall be deemed a violation of this section.

West Point

16-82. *Registration of firearms.* All citizens are hereby required to register with the city clerk at the city hall all firearms owned or in the possession of every citizen of the city. The registration of firearms as herein provided shall be made on forms furnished by the city, which said forms shall require the inclusion of the following information: The serial number, the size and make of each such firearm, the date acquired, from whom acquired and the purpose for which acquired. Every person acquiring any such firearm shall register same, as outlined above, within twenty-four (24) hours after the time said firearms is acquired.

Every person who shall sell or otherwise dispose of any firearm in the city, shall report such sale to the city clerk at the city hall on forms furnished by said city within twenty-four (24) hours after the sale or disposal of such firearm. The said registration form shall contain the same information as required by the form described above for the registration of firearms and shall also include the name of the person to whom such firearm is sold or delivered. Failure to register the ownership, purchase or sale of any such firearm as outlined above shall be a violation of this section.

HAWAII**State Law****HAW. REV. LAWS**

96-20. *Definitions.* As used in this part "person" means any natural person, partnership, association or corporation; "manufacturer" means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive; and "dealer" means any person, not a manufacturer, engaged in the business of buying and selling explosives.

96-25. *Sale of explosives; permits for purchase.* No dealer shall sell or deliver explosives to any person who does not hold a certificate of fitness and a permit for the purchase thereof secured from the director or his authorized subordinates; and no dealer shall

sell or deliver explosives except of the types or kinds and in the quantities as prescribed by, and in compliance with all the terms and conditions contained in the permit."

"Application for such permits shall state (a) the name and address of applicant, (b) the number of his certificate of fitness if it is numbered, (c) the type or kind and quantity of explosive desired, (d) the locality or localities where the explosive is to be used, (e) the nature of the work to be done, (f) the facts showing a reasonable necessity for the use of explosives, and (g) the quantity of explosives estimated to be reasonably necessary for such work."

If it appears that the applicant does not possess a certificate of fitness, or that the nature of the work to be done does not require explosives of the type or kind applied for, or that there is no reasonable necessity for the use of explosives, the application shall be denied. If it appears that the quantity of explosives applied for is not reasonably necessary for such work, the application for explosives in excess of the quantity determined to be reasonably necessary shall be denied.

Such permits shall be in the form prescribed by the director and shall be made out in quadruplicate. The original and duplicate shall be delivered to the applicant and the triplicate retained by the officer issuing the permit and the quadruplicate forthwith transmitted to the director. Upon the purchase of explosives the original shall be delivered to the dealer from whom the explosive is obtained for his permanent records, and the duplicate shall be held by the person obtaining such explosive until it has been entirely used and consumed. The person obtaining such explosive shall make a written report to the director showing the amount of explosive remaining on hand at the end of each such month, until it has been entirely used and consumed.

96-26. *Unlawful use or possession of explosives.* It shall be unlawful for any person to use any explosives unless he has a certificate of fitness or is using the explosives under the immediate supervision and direction of a holder of such certificate. It shall be unlawful for any person, other than a manufacturer or dealer, to have any explosives in his possession unless he has a permit therefor, or unless he has the explosives in his possession under the direction and for the purposes of a holder of such certificate.

96-28. *National emergency.* Any permit or certificate issued under this part may, during any time of national emergency or crisis, be suspended or canceled by the director, and all explosives in the possession or control of any person may be purchased or seized and held in possession by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the owner thereof and the government of the United States or the government of the Territory may agree upon some other disposition of the explosives. A national emergency or crisis shall be deemed to exist when such has been so determined as in section 157-32 provided.

96-29. *Exceptions.* The provisions of this part shall not apply to the armed forces of the United States or employees of the United States who are authorized by the United States to handle explosives.

157-1. *Definitions.* As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and sub-machine guns. The specific mention herein of certain weapons does not exclude from the definition other weapons operated by explosives.

"Crime of violence" means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in sections 264-4 and 264-5.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

157-2. *Registration, mandatory.* Every person arriving in the Territory, who brings with him firearms of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

The registration shall be on such forms as may be designated by the bureau of crime statistics and identification and shall include a description of the class of firearm or firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained.

Within ten days after the end of each month the respective chiefs of police shall furnish to the bureau of crime statistics and identification duplicate copies of all registrations made during the preceding month.

No fee shall be charged for such registration.

Any person who fails to comply with the provisions of this section shall be fined not more than \$250.

157-3. *Permits to acquire; registration; penalty.* No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county wherein is his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; provided, when title to any such firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained prior to taking possession of same. Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not the owner has consented to such possession, without a permit from the chief of police of the aforesaid county; provided, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another even though he be a minor, upon a target range, for a period not longer than to allow such other person to then and there use the same for target shooting, without such a permit.

Each chief of police may issue permits, within his jurisdiction, to acquire such firearms, to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of twenty years or more for use of rifles and shotguns for a period not exceeding sixty days, after such alien had first procured a hunting license under the provisions of sections 21-140 to 21-145.

Applications for such permits shall be signed by the applicant upon forms to be specified by the bureau of crime statistics and identification, and shall be signed by the issuing authority. One copy of such permit shall be retained by the issuing authority, as a permanent official record. Such permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall thereupon be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided therefor the name of the person to whom the firearm was transferred, and the make, style, caliber and number as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of such firearm is had by mail, express, freight or otherwise, from sources without the State, the person to whom such permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm. No person shall sell, give, loan or deliver into the possession of another any such firearm or ammunition except in accordance with the provisions of this section.

Any person acquiring a firearm under the provisions of this section shall, within five days of acquisition, register same in the manner prescribed by section 157-2.

No fee shall be charged for permits under this section.

Any person who violates any provision of this section shall be fined not more than \$500 or imprisoned not more than one year, or both.

157-4. *Transfer of rifles and shotguns.* No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of twenty years, and no person under the age of twenty years shall possess any such rifle or shotgun, except as provided by section 157-5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under the provisions of sections 21-140 to 21-145 and a firearms permit under the preceding section.

Any person who violates any provision of this section shall be fined not more than \$500 or imprisoned not more than one year, or both.

157-5. *Possession by licensed hunters and minors.* Any person of the age of sixteen years or over, and any person under the age of sixteen years while accompanied by an adult, who has procured a hunting license under the provisions of sections 21-140 to 21-145, may, while actually engaged in hunting or while going to and from the place of hunting, or while actually engaged in target shooting upon a target range, carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor.

157-7. *Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty.* (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence

or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed or attempted a crime of violence, or of the illegal use, possession or sale of narcotics, shall own or have in his possession or under his control any firearm or ammunition therefor.

(c) Any person violating this section or section 157-6 shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

157-8. *Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty.* The manufacture, possession, sale, barter, trade, gift, transfer or acquisition of any machine guns, sub-machine guns, automatic rifles, cannon, mufflers, silencers or devices for deadening or muffling the sound of discharged firearms, or any bomb or bomb-shell is prohibited. Any person violating this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

157-10. *Alteration of identification marks prohibited; penalty.* No person shall willfully alter, remove or obliterate the name of the make, model, manufacturer's number or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed or obliterated shall be presumptive evidence that such possessor has altered, removed or obliterated the same. Any person who violates the provisions of this section shall be fined not more than \$500 or imprisoned not more than one year, or both.

157-11. *Exemptions.* The provisions of sections 157-6 to 157-9 shall not apply:

(a) To members of police departments, sheriffs, high sheriff, members of military and naval forces of the State and of the United States, mail carriers and law enforcement officers;

(b) To regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from the State, provided such members are at or going to or from their places of assembly or target practice;

(c) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while such persons are in the performance of their respective duties, or while going to and from their respective places of duty;

(d) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in such state to carry firearms without registration. The governor of the State or his duly authorized representative may enter into such compacts with other states to carry out the provisions of this section.

Nor shall the provisions of sections 157-2 and 157-3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

157-31. *License to sell and manufacture firearms; conditions.* Every license issued pursuant to the provisions of this part shall be issued and shall be regarded as having been accepted by the licensee subject to the following conditions:

(a) That the licensee shall at all times comply with all provisions of law relative to the sale of firearms.

(b) That the license may during any time of national emergency or crisis, as defined in section 157-32, be canceled or suspended.

(c) That all firearms in the possession and control of any licensee may at any time of national emergency or crisis, as defined in section 157-32, be seized and held in possession or purchased by or on the order of the governor until such time as the national

emergency or crisis has passed, or until such time as the licensee and the government of the United States or the government of the Territory may agree upon some other disposition of the same.

157-32. *National emergency, when.* A national emergency or crisis shall be deemed to have arisen when the governor, the commanding general of the United States Army, Pacific, and the commandant of the 14th Naval District and Hawaiian Sea Frontier have, in the exercise of their discretion, so determined.

353-42. *Purchasing, pledging, etc., penalty.* If any person knowingly or willingly purchases or receives in pawn or pledge any arm, accoutrement, article of military clothing, equipment, tent or fly, or any quartermaster or ordnance stores, the property of the Territory, he shall be fined not more than \$300 or imprisoned not more than one year, or both.

IDAHO

State Law

IDAHO CODE TITLE 18

18-3302. *Concealed and dangerous weapons—Possession and exhibition—Sale to minors.* If any person, excepting officials of a county, officials of the state of Idaho, officials of the United States, peace officers, guards of any jail, or any officer of any express company on duty, shall carry concealed upon or about his person, any dirk, dirk knife, bowie knife, dagger, sling shot, pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the state of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than \$25.00 nor more than \$200.00, and by imprisonment in the county jail for a period of not less than twenty days nor more than ninety days; provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity therefor.

18-3308. *Selling explosives, ammunition or firearms to minors.* No person, firm, association or corporation shall sell or give to any minor under the age of sixteen years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than \$100, or be imprisoned in the county jail not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment in the discretion of the court.

ILLINOIS

State Law

ILL. ANN. STATS. (SMITH-HURD) CHAPTER 38

24-1. *Unlawful use of weapons.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(2) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or

(4) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

24-2. *Exemptions.* (a) Subsections 24-1(a) (3) and 24-1(a) (4) shall not apply to or affect any of the following: (1) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty.

(3) Members of the Armed Services or Reserve Force of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad to perform police functions while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment.

(5) Manufacture, transportation, or sale of weapons to persons authorized under (1) through (4) of this Subsection to possess such.

(b) Subsection 24-1(a) (4) shall not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on such target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the governor.

(3) Licensed hunters or fishermen while engaged in hunting or fishing.

(4) Transportation of weapons broken down in a non-functioning state or not immediately accessible.

(c) Subsection 24-1(a) (7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under

(1) through (3) of this Subsection to possess such provided the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Subsection 24-1(a) (1) shall not apply to the purchase, possession or carrying of a black-jack or sling-shot by a peace officer.

(e) Subsection 24-1(a) (8) shall not apply to any owner, manager or authorized employee of any place specified in such Subsection. Nor shall such Subsection be applicable to any law enforcement officer.

(f) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such exemptions.

24-3. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearm to any person who is mentally retarded.

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety.

(h) *Penalty.*

A person convicted of unlawful sale of firearms shall be fined not to exceed \$1,000 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

24-3.1. *Unlawful possession of firearms and firearm ammunition.* (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(b) **Penalty.**

A person convicted of unlawful possession of firearms or firearm ammunition shall be fined not to exceed \$1000 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

24-5. **Defacing identification marks of firearms.** (a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm shall be fined not to exceed \$500 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

83-1. **Legislative declaration.** It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the "Criminal Code of 1961", as amended, from acquiring or possessing firearms and firearm ammunition.

83-1.1. **Definitions.** For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter;

(2) any device used exclusively for signaling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

83-2. **Requisites for acquisition or possession—Exempted persons or entities.** (a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Public Safety under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition shall not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(6) Nonresidents while on a firing or shooting range recognized by the Department of Public Safety; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(7) Nonresidents, while at a firearm showing or display recognized by the Department of Public Safety; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(8) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(9) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state.

(10) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor; Provided, however, that such parent or legal guardian or other person in loco parentis to such minor shall have a currently valid Firearm Owner's Identification Card.

83-3. **Requisites for transfer.** (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

83-6. **Contents of identification card.** A Firearm Owner's Identification Card, issued by the Department of Public Safety at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION—This card does not permit bearer to UNLAWFULLY carry or use firearms."

83-7. **Duration of identification card.** Except as provided in Section 8 of this Act, a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 5 years from the date of issuance.

83-8. **Denial of application or revocation and seizure of identification card—Grounds.** The Department of Public Safety has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not have a currently valid Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years; or

(f) A person who is mentally retarded.

Aurora

813. **Firearms—Minors.** No person shall sell, loan, or furnish to any minor any gun, pistol, or other firearm within the city, under a penalty of not more than one hundred dollars for each offense: Provided, that minors may be permitted, with the consent of their parents or guardians to use firearms on the premises of a duly licensed shooting gallery, gun club, or rifle club.

Blue Island

License. It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell, lease, loan, or give to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm, or corporation having secured such a license, shall sell or give away such weapon to any person within this City, who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Permit. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit. Such application shall contain a recommendation that the permit shall issue, from two persons, who shall appear to be taxpayers residing within the City.

Chicago

Registration of firearms. 11.1-4. At the time of sale the seller shall complete a registration form, designed or approved by the City Collector, which shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.

11.1-5. At such time of sale, the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of the law.

11.1-6. The completed registration form, signed by both the seller and the purchaser, shall be mailed by the seller to the office of the City Collector no later than 48 hours after the sale.

11.1-8. The City Collector shall forward to every purchaser, recipient, or possessor of a registered firearm a registration certificate within 30 days of registration. The certificate shall state the full name, address, age, physi-

cal description of the registrant, the kind, description and serial number or other identifying marks of the individual firearm to which it applies, which will not be transferable and shall be carried simultaneously with the firearm and shall be exhibited to any police officer upon his demand for inspection. Registration shall not make lawful the carrying or possession of a firearm if prohibited by any other law. The registration provisions of this Chapter shall not apply to manufacturers, transporters or wholesale or retail sellers of firearms or those persons with exempt status pursuant to subsections (a) (1), (a) (2), and (a) (3) of Section 24-2 of the Illinois Criminal Code.

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction of penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

Clarendon Hills

156. *Selling fire arms to minors unlawful.* No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other fire arm, air gun or toy pistol on which percussion caps are used, within the Village of Clarendon Hills, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

Crest Hill

1. *Violation.* It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, Bowie knife, dagger or other weapons of like character without securing a license to do so.

3. *Sale to minors.* None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.

5. *Permit.* No sale of any revolver, pistol, Bowie knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to such licensee a permit for the purchase thereof, issued by the chief of police of this city. * * * It shall be the duty of the chief of police to refuse such permit to all minors of persons having been convicted of any crime.

Decatur

1-4. *Firearms.* 1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance

can be used; or any bowie knife, dirk, dagger, slingshot or metallic knuckles, or other deadly weapon of like character.

East Peoria

29. *Unlawful use of weapons.* (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police.

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Elmwood Park Village

52-3. *Definition of "firearm".* Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52-7. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien. Application for permit shall state the type of firearm desired, the name, age, sex, residence, nationality, height, weight, and complexion.

52-8. *Sales, etc., of firearms to persons without permit.* No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52-11. *Sale, etc., of firearms to minors.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48-6. *Permit for purchase of pistol; inspection of stock, etc.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police, and it shall be the duty of the person dealing in firearms to receive and keep such written permits from the chief of police, in a permanent file for inspection purposes. Every such person dealing in firearms

shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection all written permits issued by the chief of police for the sale of such weapons and the register so required to be kept.

It shall be the duty of the chief of police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

In case the chief of police shall be satisfied that the applicant is of good moral character, it shall be his duty to grant such permit.

48-7. *Selling firearms to minors.* It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.

Evergreen Park

32-11. *License required to engage in business or to sell or give away deadly weapons.* It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk or other deadly weapon, which can be concealed on the person without securing a license so to do.

32-18. *Purchaser required to secure permit to purchase deadly weapon.* It shall be unlawful for any person to purchase any deadly weapon mentioned in section 32-11, which can be concealed on the person without first securing from the chief of police a permit so to do.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.

Lockport

15-1. *License—Manner of issuance.* It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, or offer for sale or give away to any person within the City limits any pistol, rifle, shotgun, revolver, bowie-knife, dagger or other weapons of like character without securing a license to do so.

15-3. *Sale to minors.* None of the articles enumerated above, or of like character, shall be sold to any minor.

15-5. *Permit.* No sale of any revolver, pistol, bowie-knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to said licensee a permit for the purchase thereof, issued by the Chief of Police of this City. It shall be the duty of the Chief of Police to refuse such permit to all minors or persons having been convicted of any crime.

Midlothian

6-4-4. *Sale to minors prohibited.* It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any BB gun, pellet gun, or other weapon capable of projecting or discharging projectiles of any type by any force, bean blowers, or any other dangerous or deadly weapon or instrument of like character.

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any ammunition, BB's or other projectiles which could be used as ammunition with any of the weapons referred to in the foregoing provisions of this Section.

6-4-8. *Shotguns; sale to minors.* It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

Niles

22-44. *Affidavit to purchase firearms.* (a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit affirming the requirements stated below, and it shall be the duty of the person dealing in firearms to receive and keep such affidavit in a permanent file for inspection purposes. Every such person dealing in firearms shall on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall on request of such officer, produce for inspection all affidavits of purchasers and the register so required to be kept.

(b) The following persons are covered by the section and not eligible to purchase a firearm:

- (1) Any person convicted of a felony;
- (2) Any minor under the age of eighteen (18) years;
- (3) A narcotic addict.

22-45. *Selling, furnishing firearms to minors.* It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

Oak Park

45.1. *Definition of "firearms."* "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

45.2. *Sale of firearms and other weapons prohibited.* It shall be unlawful to sell any firearms, air guns, air pistols, spring guns or spring pistols or other device which is calculated or intended to propel or project a bullet, pellet, pointed arrow or similar projectile to any person who has been previously convicted of a crime or to any person under eighteen years of age or to an alien.

45.3. *Application to purchase firearms.* No person shall be permitted to purchase a firearm without first filing an application therefor with the seller. The application shall state the type of firearm desired, the name, age, sex, residence, nationality, height, weight and complexion of the applicant, and whether or not the applicant has ever been convicted of a crime. Recommendations by two registered voters of the Village of Oak Park shall accompany the application. A copy of the application shall be forthwith furnished to the Chief of Police and no firearm shall be delivered to the purchaser until two days have elapsed from the filing of the application with the Chief of Police.

45.10. *Sale, etc., of firearms to infants or aliens.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Peoria

41.8. *Required certificate.* It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon except, to licensed dealers, without first obtaining from the customer a signed statement in which the customer states that he is over twenty-one years of age, that he is not a drug addict, nor a fugitive from justice, nor under indictment, and that he has not been convicted of a crime of violence. The signature of the customer on such statement shall be witnessed by the person making such sale, exchange or loan.

41.11. *Restriction on sale.* It shall be un-

lawful for any person to sell, barter or give away, to any person within the city, any deadly weapon to any person known to him to be under twenty-one years of age, or of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Peoria Heights

1. *License required.* It shall be unlawful for any person to engage in the business of selling any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

5. *Restrictions on sale or gift.* It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Rockford

42-2. *Permit to purchase required.* It shall be unlawful for any person to purchase or receive as a gift any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed upon the person without first securing a permit from the chief of police, whose duty it shall be to refuse all permits to persons who have been convicted of any crime and all minors.

42-3. *Sale—Restricted to licensed dealers and holders of permits.* It shall be unlawful for any person to sell, barter, exchange or give away to any person within the city, any pistol, revolver, derringer, dirk or other weapon of like character which can be concealed upon the person, except to a licensed dealer and to persons who have secured a permit for the purchase of such articles from the chief of police.

42-4. *Same—Minors.* It shall be unlawful for any person to give, loan or sell any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon of similar character to any person under the age of twenty-one years.

Steamwood

19.1001. *Definition of firearm.* Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1002. *Definition of deadly weapon.* A deadly weapon is a firearm as hereinabove defined including but not limited to knives, axes, hatchets, swords, black jacks, slingshot, razor, tear gas, bomb, any object containing noxious liquid, gas or substance.

19.1005. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Waukegan

44.16. *Dealers in deadly weapons.* (a) License Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so * * *.

(b) Approval. The Chief of Police shall approve the application before a license shall be issued.

(f) Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this section

except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

(g) Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit. It shall be the duty of the Chief of Police to refuse such permit to any person convicted of any crime, and any minor.

44.18. *Air rifles and toy weapons.* (a) License required. No person shall engage in the business of selling or sell or give away any air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used without securing a license to do so as provided in chapter 41.

(b) Permit. No such licensee shall sell or give away any such weapon to any person within the city who has not secured a permit from the Chief of Police to purchase such weapon in the manner herein provided.

(g) Permit required. It shall be unlawful for any person to purchase any air rifle or air gun or any toy firearm or other toy in the nature of a firearm in which any explosive substance can be used without first securing from the Chief of Police a permit to do so.

71.30. *Sale of weapons to minor or alien.* No person shall sell or give to any alien or to any minor under the age of 18 years any firearms or dangerous or deadly instruments of any character.

Wilmette

5-10.2. *Permit to purchase.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. Persons dealing in firearms shall keep such records of these sales and transfers as the Chief of Police shall direct.

It shall be the duty of the Chief of Police to refuse such permits to:

- (a) All persons having been convicted of a crime.
- (b) All minors.

Winnetka

13-51. *Weapons—Sale to minors prohibited.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun, within the limits of the village.

Worth Village

40.2 *Definition of "firearms."* "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

40.5. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

40.10. *Sale, etc., of firearms to infants or aliens.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

INDIANA

State Law

IND. STATS. ANN. (BURNS) TITLE 10

10-4701. *Intoxicated persons—Sale or gift of weapons to.*—Whoever sells, barter, gives, or delivers any pistol, dirk, bowie-knife, dagger, or any other dangerous or deadly weapon, to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, shall upon conviction be fined in any sum not exceeding one thousand dollars (\$1,000) or imprisoned in the county jail not less than thirty (30) days nor more than six (6) months or both such fine or imprisonment in the discretion of the court.

10-4702. *Minors—Sale or gift of weapons to.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one (21) years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of twenty-one (21) years any cartridges manufactured and designed to be used in a pistol or revolver. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

10-4712. *Machine guns and bombs—Ownership, possession, or control.* Whoever shall be the owner of, or have in his possession, or under his control, in an automobile, or in any other way, a machine gun or bomb loaded with explosives, poisonous or dangerous gases, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for a term of not less than one (1) year nor more than five (5) years.

10-4713. *Machine guns and bombs—Operation and discharge.* Whoever shall discharge, fire off, or operate any loaded machine gun, or whoever shall drop from an airplane, automobile, or from any building or structure, or who shall throw, hurl, or drop from ground or street, or keep in his possession and under his control any bomb filled with deadly or dangerous explosives, or dangerous or poisonous gases, shall be deemed guilty of a felony and upon conviction shall be imprisoned for a term of not less than two (2) nor more than ten (10) years.

10-4714. *Machine guns and bombs—Exceptions from application of act.* The provisions of this act shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) To machine guns or bombs kept for display as relics and which are rendered harmless and not usable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with and in the furtherance of their duties; (d) to persons lawfully engaged in the display, testing or use of fireworks; or (e) to persons, firms, agencies of the state government; or corporations and the employees, servants or agents of such persons, firms, agencies, or corporations authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordnance [ordnance] equipment or supplies

while or when acting within the scope of and in furtherance of such business.

10-4734. *Uniform firearms act—Definitions.* The term "pistol," as used in this act, means any firearm with barrel less than twelve (12) inches in length.

"Crime of violence," as used in this act, applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, voluntary manslaughter, kidnapping, kidnapping for the purpose of ransom, rape in the first degree, malicious mayhem, assault or assault and battery with intent to commit a felony, robbery, bank robbery, automobile banditry, burglary in the first or second degree.

"Person," as used in this act, includes firm, partnership, association or corporation.

10-4739. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10-4740. *Regulation of sales.* No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase for a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six (6) hours after such application, sign and attach his address and forward by registered mail one (1) copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven (7) days be sent by him with his address to the superintendent of the state police; the triplicate he shall retain for six (6) years. This section shall not apply to sales at wholesale.

10-4743. *Prohibited transfers.* No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this act.

10-4744. *False statements.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

10-4745. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10-4746. *Firearms excepted from act.* This act shall not apply to antique pistols unsuitable for use as firearms (and possessed as firearms) and possessed as curiosities or ornaments.

Indianapolis

10-607. *Firearms for minors.* No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the city; except that minors over fifteen years of age may be permitted, with the consent of their parents or guardians, to use firearms

on the premises of a duly licensed shooting gallery, gun club, or rifle club, or to shoot game birds, in accordance with other provisions of this code, or the law.

10-1008. *Selling weapons to narcotic users, etc.* No person shall sell, give, barter, exchange, lend, or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie-knife, or stiletto, or any spring gun, or sword-cane, or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person.

IOWA

State Law

IOWA CODE ANN.

695.18. *Sale of dangerous weapons prohibited.* It shall be unlawful to sell, to keep for sale, or offer for sale, loan, or give away, dirk, dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer, and no pistol or revolver shall be sold to any person under the age of twenty-one years. The provisions of this section shall not prevent the selling or keeping for sale of hunting and fishing knives.

695.26. *Selling firearms to minors.* No person shall knowingly sell, present, or give any pistol or revolver to any minor. Any violation of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days. Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the state of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

696.1. *Possession.* No person, firm, partnership, or corporation, except law enforcement officers, shall knowingly have in his or its possession or under his or its control any machine gun of any nature or kind.

696.2. *Aiding possession.* No person, firm, partnership, or corporation shall do any act with the intent to enable any other person, firm, partnership, or corporation to obtain possession of such gun.

696.4. *Exceptions.* Sections 696.1 to 696.3, inclusive, shall not apply to:

1. Peace officers as herein provided.
2. Persons who are members of the national guards.
3. Persons in the service of the government of the United States.
4. Banks.

696.5. *Interpretative clause.* Section 696.4 shall not be construed to exempt any person therein specified when the possession charged had no connection with the official duties or service of said person.

696.6. *Relics.* It shall be a defense that the machine gun or machine which the accused is charged with possessing was a gun which was in general use prior to November 11, 1918, and was, prior to the commencement of the prosecution, rendered permanently unfit for use, and was possessed solely as a relic.

696.7. *Additional exception.* This chapter shall not apply to any person or persons, firm, or corporation engaged or interested in the improvement, the invention, or manufacture of firearms.

Cedar Rapids

63.16. *Prohibition against bombs.* No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any

bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26-11. *Report to chief of police.* Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, stating fully and correctly.

1. The name and residence of the person from whom received or purchased.

2. A full and accurate inventory and description of each article.

3. The value or amount paid for each article.

4. The weight or other quantity of each article.

5. From whom, and at what hour the place the same was obtained by the person from whom it was bought or received.

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

35-11. *Daily reports to chief of police; information to be shown.* Every pawnbroker who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police.

KANSAS

State Law

KAN. STAT. ANN. TITLE 21

21-2444. *Explosives; records of sales or gifts.* Any person, firm or corporation, in this state, who shall sell, give away or otherwise dispose of, any dynamite, giant powder, nitroglycerine, gun cotton or other detonating explosive, shall keep a record, in a substantially bound book, which record shall set forth the kind and amount of explosives delivered, the time of delivery, the uses and purposes for which same are delivered and the place at which it is to be used, and said record shall not be deemed complete until the person, firm or corporation so receiving said explosives, and to whom delivery is made, shall acknowledge, in writing, the receipt thereof by signing said record, in good legible handwriting; which said record and the book in which it is kept and contained, shall be safely preserved by the person, firm or corporation so disposing of said explosives as aforesaid, for a period of not less than one year from the date of the said receipt, and said record shall be open for the inspection of any police or peace officer, mine inspector or fire marshal of this state at all reasonable hours: Provided, That this act shall not include what is commonly known as black or blasting and gun powder.

21-2445. *Same; selling or giving to intoxicated or irresponsible persons.* No person, firm or corporation shall at any time under any conditions, sell, give away or otherwise dispose of any of the explosives named above in the preceding section, to any intoxicated or irresponsible person.

21-2446. *Same; possession without receipt.* Any person, firm or corporation who shall be found in the possession or control of any explosives mentioned above, without having executed the receipt heretofore provided for,

shall be deemed to have violated this act in like manner as the person, firm or corporation who shall sell or dispose of same without taking the receipt and making the record as stated above.

21-2453. *Explosives; definitions.* The term "explosive" when used in this act shall be held to mean and include any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion, that contains any oxidizing or combustible units or other ingredients in such proportion, quantities or packing that an ignition by fire, friction, concussion, percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb; and shall also include bombs commonly known as tear bombs or stink bombs and other compounds containing acids or gases which when released by explosion or otherwise may give off offensive odors or cause distress to persons exposed thereto. For the purpose of this act manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by detonator, such a fixed ammunition for small arms, firecrackers, safety fuse matches.

21-2454. *Same; unlawful possession or control; penalty.* Any person who shall have in his possession or control any cartridge, shell or bomb or similar device, charged or filled with one or more explosives intending to use the same or cause the same to be used for an unlawful purpose, or attempts to use it to the injury of persons or property, or places or deposits it upon or about the premises of another without his consent, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine [of] not more than five hundred dollars (\$500), and be imprisoned in the county jail for a period of not more than six (6) months. The possession or control by any person of any such device so charged or filled, shall be deemed prima facie evidence of an intention to use the same or cause the same to be used for an unlawful purpose.

21-2601. *Possession of machine guns unlawful; exceptions.* That it shall be unlawful for any person, firm, or corporation other than a sheriff or other peace officer or any military unit of the state or of the United States or any common carrier for hire, to transport or have in his or its possession or under his control a firearm known as a machine rifle, machine gun, or submachine gun: Provided, That banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup, may secure permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms: Provided further, That museums, American Legion posts, and other similar patriotic organizations may possess such firearms, when not usable as a weapon and when possessed as a curiosity, ornament or keepsake.

21-2607. *Registration with county clerk; penalty for not.* Every officer, person, firm, corporation, bank, trust company and other institution possessing any firearms known as a machine rifle, machine gun or submachine gun, except common carriers transporting such firearms for hire, shall immediately upon the taking effect of this act, or within three days after coming into possession of such firearms, file a statement with the county clerk of the county where such firearms are possessed, setting forth the name

of the possessor of such firearms, the character, caliber, name of manufacturer, and serial number of such firearm, and such county clerk shall keep an accurate register containing all of such information available to all peace officers. All other firearms, including gas projectors, seized by any officer, or purchased with public funds, shall also be registered with the county clerk as hereinbefore provided, and shall be the property of the municipality purchasing the same or whose officer seized such firearm. Failure to comply with the provisions of this section shall be deemed a misdemeanor, and punishment therefor shall be by a fine of not less than ten dollars nor more than one hundred dollars.

21-2610. *Definitions.* As used in this act: (a) The word "pistol" shall mean any firearm having a barrel less than twelve (12) inches long. (b) The word "person" shall mean every natural person, firm, copartnership, association or corporation.

21-2611. *Unlawful for certain persons to own or possess pistol; penalty.* It shall be unlawful for any person who has previously been convicted in this state or elsewhere of committing or attempting to commit murder, manslaughter (except manslaughter arising out of the operation of an automobile), kidnapping, mayhem, forcible rape, assault to do great bodily harm, or any other felonious assault, robbery, burglary, extortion, grand larceny, receiving stolen property, aiding escape from prison or unlawfully possessing or distributing habit-forming narcotic drugs or cannabis sativa, commonly known as marijuana, to own a pistol, or to have or keep a pistol in his possession, or under his control. Any person violating this section shall be deemed guilty of a felony, and upon conviction shall be imprisoned in the state penitentiary not to exceed five (5) years and such pistol shall be subject to disposal as provided in section 5 [21-2614] of this act.

21-2612. *Same; penalties.* It shall be unlawful for any person who is a drug addict or an habitual drunkard to own a pistol or have a pistol in his possession or under his control. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided by section 21-112 of the General Statutes of 1949, and such pistol shall be subject to disposal as provided in section 5 [21-2614] of this act.

KANS. STAT. ANN. TITLE 38

38-701. *Furnishing weapons to minor or person of unsound mind; penalty.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, brass knuckles, or other dangerous weapons, to any minor, or to any incapacitated person, shall be deemed guilty of a misdemeanor, and shall upon conviction before any court of competent jurisdiction be fined not less than five (5) nor more than one hundred dollars (\$100), or by imprisonment in the county jail for a term of not exceeding thirty (30) days, or both.

38-702. *Possession of weapons by minor; penalty.* Any minor who shall have in his possession any pistol, revolver, brass knuckles, or other dangerous weapons, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100) or imprisoned in the county jail for a term not exceeding thirty (30) days or both.

SESS. LAWS OF KANS. 1968 (H.B. No. 1698)
C. 255, APPROVED MARCH 14, 1968

An Act relating to the public safety, providing for the exercise of emergency powers of government in times of public crisis, prescribing procedures and limitations for the exercise of such emergency powers, author-

being certain public officials to promulgate emergency orders, rules and regulations, and providing penalties for the violation of such orders, rules and regulations.

Be it enacted by the Legislature of the State of Kansas:

1. During times of public crisis resulting from disaster, rioting, catastrophe or other public emergency within this state, or reasonable apprehension of immediate danger thereof, the governor may, upon his own volition or upon application of the mayor of any city or the person legally acting for the mayor in his absence or the county attorney of any county or the attorney general of the state proclaim a state of emergency. Prior to the issuance of such proclamation, the governor shall find by investigation or otherwise that because of disaster, rioting, catastrophe or other emergency condition, the public peace and safety is imperiled, that human life and property is endangered by such emergency conditions and that the normal and ordinary processes of state and local government are inadequate to safeguard the public peace and safety and the lives and property of citizens.

The proclamation of the governor shall recite his findings, shall declare that a state of public emergency exists, and shall designate the boundaries of the affected area. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly, and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors and cereal malt beverages; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives, or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the time and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded from time to time by the governor during the pendency of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

Cherryvale

10-139. *Fire arms, furnishing to minors.* Every person who shall trade, give, loan, or otherwise furnish any pistol, revolver, toy pistol, or any dirk, bowie knife, brass knuckles, slung shot or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Kansas City

39-4. *Permit to purchase or receive pistol or revolver—Required; exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept

a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

39-7. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Newton

16-703. *Furnishing weapons to minors.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, bowie knife, brass knuckles, slung shots or other dangerous weapons to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars (\$100).

16-704. *Possession of weapons by minors.* Any minor who shall have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded or any dirk, bowie knife, brass knuckles, slung shot or other dangerous weapons shall, upon conviction thereof, be fined in any sum not exceeding Ten Dollars (\$10).

Pittsburg

15-605. *Furnishing weapons to minors or persons of unsound mind.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, bowie knife, brass knuckles, slung shots or other dangerous weapons to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than \$5.00 nor more than \$100.00.

15-606. *Possession of weapons by minors.* Any minor who shall have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded or any dirk, bowie knife, brass knuckles, slung shot or other dangerous weapon shall, upon conviction thereof, be fined in any sum not less than \$1.00 nor more than \$10.00.

Roeland Park

3. *Permit to purchase or receive pistol or revolver—Required; Exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the

purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

6. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Topeka

12-217. *Furnishing weapons to minors or persons of unsound mind.* Any person who shall sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, or any dirk, bowie knife, knuckles, slung shot, or other dangerous weapons to any minor, or to any person of notorious unsound mind, shall be deemed guilty of a misdemeanor.

Wichita

5.88.040. *Machine guns, sawed off rifles and shotguns.* It shall be unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a machine rifle, machine gun, submachine gun or any shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

KENTUCKY

State Law

KEN. REV. STAT. (BALDWIN'S)

435.230. *Carrying concealed deadly weapon; selling deadly weapon to minor.* (1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about

his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be confined in the penitentiary for not less than two nor more than five years.

Erlanger

II. It shall be unlawful for any person in the City of Erlanger to purchase or otherwise receive any pistol, revolver, derringer, or other weapon of like character, which can be concealed on the person without first securing from the City of Erlanger, a weapon permit signed by its Chief of Police.

Lexington

13-59. *Permit for purchase.* (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, bowie knife or dirk, or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

Louisville

Definitions. 1. The term "person" shall include an individual, partnership, association, corporation or other legal entity.

2. The term "concealable firearm" means any pistol, or revolver, or other weapon by whatsoever name known, originally designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such weapon; and in addition, the term "concealable firearm" shall include any such other weapons irrespective of their original design such as have received such extensive modification to stock, barrel, or otherwise, so as to make them sufficiently small as to render them readily concealable, but they must be capable of firing the fixed cartridge as hereinbefore set forth.

3. The term "manufacturer" means any person engaged in the business of manufacturing concealable firearms for purposes of sale or distribution.

4. The term "dealer" means any person whose occupation or business includes the selling, buying, trading or otherwise dealing in concealable firearms, at wholesale or retail, or the repair, rebarrelling, refitting, or modification of such firearms or the parts or components thereof.

5. The term pawnbroker means any person whose occupation or business includes the taking or receiving by way of pledge or pawn, of any concealable firearm as security for the repayment of money loaned thereon.

6. The term "collector" means any person who owns an annual average of five (5) or more firearms of any nature or design, used:

(a) in target or related shooting or practice;

(b) or in hunting;

(c) or held by said person as a collection on account of said firearms having extrinsic value due to rarity, unusualness or uniqueness of design, construction, finish or purpose, or such variance from standard design so as to render them valuable or desirable to a degree aside from any regular market value based on utility or acceptance in the market.

7. The term "felony" as used herein includes offenses against the state and public justice, offenses against persons, offenses against property by force, and offenses against morality, such as are punishable by imprisonment for more than one (1) year, as the same are denounced by the statutes of this state or any other state or political subdivision of the United States; this includes any attempt at any of the foregoing offenses.

V. *Prohibited conduct.* No person other than a licensed dealer or collector shall ac-

quire or purchase a concealable firearm from a dealer or pawnbroker unless the affidavit required by this ordinance is first made.

No dealer or pawnbroker shall sell, transfer or deliver a concealable firearm to any person other than a licensed dealer or collector unless such vendee or transferee furnishes the required affidavit for the scrutiny of such dealer or pawnbroker.

No person shall knowingly make any false, fraudulent or fictitious statement or misrepresent his identification or any other fact material to his qualification or the lawfulness of the sale, transfer or other acquisition of a concealable firearm regulated by this ordinance.

VI. *Affidavit.* Any person other than a licensed dealer or collector who purchases or otherwise acquires a concealable firearm from a dealer or pawnbroker in the City shall furnish, under oath, made before a person authorized to administer oaths, the following information on forms provided by the Louisville Division of Police:

(a) The name, and any other names by which purchaser has been known;

(b) The home address, and any other addresses at which purchaser resided within five years immediately prior to application;

(c) The present business or occupation, and any business or occupation in which purchaser has engaged for five years immediately prior to the making of the affidavit;

(d) The height, weight, and color of hair of purchaser;

(e) The date and place of birth of purchaser;

(f) A statement by purchaser indicating the date, place, nature and disposition of any criminal proceedings brought against the purchaser for any offense other than traffic violations; and

(g) The social security number of purchaser.

No dealer or pawnbroker shall willfully procure or aid or abet in the making of a false and fraudulent misrepresentation of a material fact contained in the affidavit.

VII. *Sale.* No sale, transfer, or delivery of a concealable firearm shall be made by a dealer or a pawnbroker to a person other than a licensed dealer, or collector if the dealer finds that the purchaser is:

(a) Under 18 years of age;

(b) A person convicted of a felony as defined herein; or an attempt thereof and whose Civil Rights have not been restored; or a misdemeanor involving the handling, carrying, flourishing or misuse of a firearm within the five years next before the date of the making of the affidavit required by this Ordinance; or a person under indictment or criminal information or who is a fugitive from justice or who is a defendant in any then pending prosecution of any of the above; such indictment, information, or prosecution, if dismissed, shall not disqualify the purchaser;

(c) The person convicted of selling, using or possessing narcotics;

(d) An habitual drunkard or any person convicted of drunkenness as many as three times within the twelve months next before the date of the making of the affidavit required by this Ordinance; or

(e) Has been adjudged by a Court to be mentally incompetent and has not been restored.

X. (c) *Licensed collector may make immediate transactions.* Any collector duly licensed hereunder may make such transactions * * * without the elapsement of any waiting period.

XI. *Purchases through mail prohibited.* It shall be a violation of this Ordinance for any person who is not a licensed dealer or collector, as defined in this Ordinance, to purchase or otherwise receive a firearm of any

kind through the mail or by means of other similar method of purchase and delivery.

XIII. *Exclusions.* A. It shall be lawful, despite any language to the contrary contained herein, for the following persons to acquire, transfer or purchase concealable firearms from a dealer or pawnbroker without the necessity of the affidavit required by this Ordinance:

(a) Any governmental agency which owns or acquires firearms;

(b) Any transfer of firearms between a manufacturer and a duly licensed dealer or between one licensed dealer and another dealer, in their usual course of business; or

(c) For licensed pawnbrokers accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance shall be executed for the sale or transfer, and the report of such sale or transfer shall be made as provided in Section VIII of this Ordinance.

B. It shall be lawful, despite any language to the contrary contained herein, for the following persons to transport, possess, and lawfully use concealable firearms for lawful purposes:

(a) Regularly enrolled members of any organization duly authorized to purchase or receive weapons from the United States or any state; or regularly enrolled members of clubs organized for target, skeet, trap or other competitive shooting programs while at or going to or from a place of assembly or shooting practice; or regularly enrolled members of clubs organized for firearms collecting while such members are at or going to or from their collectors' gun shows, conventions or exhibits.

(b) A person while lawfully engaged in hunting, fishing, or camping, or going to or returning from hunting, fishing or camping.

(c) A person engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representative of any such person while engaged in the lawful course of such business.

Newport

IV. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

VII. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer" at any time.

VIII. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

Park Hills

IV. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

VII. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer," at any time.

VIII. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

LOUISIANA

State Law

LA. STATS. ANN. TITLE 14

91. *Unlawful sales to minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense.

95. *Illegal carrying of weapons.* A. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

LA. STATS. ANN. TITLE 29

30. *Closing certain business places when military forces on active duty.* Whenever any of the military forces of this state are on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where arms, ammunition, dynamite, or other explosives or intoxicating liquors are sold, and he may forbid the sale, barter, loan, or giving away of any of these articles as long as any of the troops remain on duty in the vicinity.

LA. STATS. ANN. TITLE 40

1751. *Definitions.* For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

1752. *Handling of machine guns unlawful; exceptions.* No person shall sell, keep or offer for sale, loan or give away, purchase, possess,

carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

1753. *Transfers of possessions permitted in certain cases; method.* No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the Government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

1754. *Registers to be kept; inspection thereof.* Every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him. This register shall show:

(1) The date of the sale, loan, gift, delivery, or receipt of any machine gun;

(2) The name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and

(3) The purpose for which the person, to whom the machine gun was sold, loaned, given, or delivered, purchased or obtained it.

Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff or any police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register required in this Section and all written permits to purchase or possess a machine gun,

which he has retained and filed in his place of business.

1755. *Penalty.* A. Any manufacturer who: (1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1753; or

(2) Fails to keep an accurate register, as required in R.S. 40:1754; or

(3) Fails to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 40:1753, shall be imprisoned at hard labor for not less than one year nor more than five years.

1781. *Definitions.* For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length; or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

1782. *Exemptions from part.* This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

1783. *Registration with department of public safety.* Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

1784. *Application to possess or transfer.* No person shall continue to possess or shall transfer any firearm without the prior ap-

proval of the department. Interested persons shall file written applications in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

1785. *Possession or dealing in unregistered or illegally transferred weapons.* No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

Bogalusa

60. *Illegal carrying of weapons.* Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Crowley

8-44. *Weapons—Illegal carrying.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(b) Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor.

East Baton Rouge Parish

94. *Illegal use of weapons or dangerous instrumentalities.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Jefferson Parish

12-17. *Firearms—Definitions.* (a) Dealer means any person, not a manufacturer or importer, engaged in this parish in the business of selling any firearm. The term includes wholesalers, pawnbrokers and other persons dealing in new and/or used firearms.

(b) Firearm means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length, or any other weapon, including a pistol or revolver, from which a shot, discharged by an explosive, if that weapon is capable of being concealed on the person; and includes a muffler or silencer from any firearm whether or not the firearm is included in this definition.

(c) Muffler or silencer includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, shotgun, fowling piece or other device from which a shot, bullet or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined herein.

(d) Crime of violence means murder, manslaughter, except negligent homicide arising out of a traffic accident, rape, mayhem, kidnapping, burglary, robbery, assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one (1) year, and includes any crime defined as a felony under the laws of the State of Louisiana.

(e) Weapon means any instrument, by whatever name known, which is designed to expel a projectile or projectiles by the action of any explosive.

(f) Fugitive from justice means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to

avoid giving testimony in any criminal proceeding.

12-17.1. *Same—Permit required to purchase.* It shall be unlawful for any person to purchase, or acquire ownership of any firearm without first having obtained a permit therefor.

12-17.2. *Same—Unlawful to sell to minor without consent of parents.* It shall be unlawful for any person to sell any weapon to any person under eighteen (18) years of age without first having received the written consent of said person's parents.

12-18. *Same—Application for permit to purchase.* Any person purchasing or acquiring ownership of any firearm shall file a written application, in triplicate form, issued in blank for that purpose, with the permit department of the sheriff's office for this parish.

12-18.2. *Same—Who is entitled to permit.* Any person over eighteen (18) years of age making an application shall be entitled to be issued a permit for a firearm unless he shall have been convicted of a crime of violence in a court of this State or any other state, territory, or District of Columbia and who has not had his civil rights restored (whether by official act or termination of time) or he is under arrest (whether released on bond or not) or under indictment for a crime of violence or who is a fugitive from justice or convicted of drug addiction or habitual drunkenness or who has been confined to a mental institution, or belongs to any group or organization which is regarded as subversive under the laws of this state or United States or is now or has been engaged in any subversive activity.

12-18.3. *Same—Investigation of applicant for permit.* The hour and date shall be written on the application and a reasonable length of time shall be allowed, not to exceed seventy-two (72) hours from the time of application, excluding legal holidays, within which to investigate and verify statements contained in the application and the identity of the person making it before the application is approved as of right.

12-18.4. *Same—Exceptions.* The provisions of sections 12-17—12-18.3 shall not apply to the sheriff, his deputies, or any duly, legally, constituted officer of the law or law enforcement officer while acting in their official capacity, nor shall same apply to the arms, accoutrements and equipment of the military and naval forces of the United States, or of any other officers of the United States authorized by law to possess firearms of any kind; nor shall same apply to the arms, accoutrements and equipment of the militia, any firearm which is unserviceable and which is transferred as a curiosity or ornament, nor shall same apply to a licensed authorized dealer in firearms.

Jennings

60. *Illegal carrying of weapons is, * * ** (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Monroe

10-20. *Dangerous weapons—Illegally carrying.* It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Morgan City

10-11. *Knives, brass knuckles, etc.; sale of firearms to minors.* It shall be unlawful for

any person to sell, offer or expose for sale within the corporate limits of the city, any gimlet knife, dirk knife, stiletto spring knife, brass knuckles, iron knuckles, or slingshots or to sell firearms to minors.

New Orleans

67-7. *Unlawful to sell, etc., certain weapons to persons under eighteen.* It shall be unlawful for any person to sell, lease or give through himself or any other person any pistol, dirk, Bowie knife, toy pistol for which cartridges are used or other dangerous weapon which may be carried concealed to any person under the age of eighteen years.

67-10. *Sale of pistols, etc., forbidden except upon compliance with article.* It shall be unlawful for any person in the city to sell, give away, lend, exchange or otherwise dispose of or transfer in the city or for any person to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

67-11. *Application to purchase articles referred to in preceding section.* Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the person desiring to obtain any such article shall file a written application, in duplicate, with the Superintendent of Police of the city. Such application shall be signed in duplicate and state the residence and business address of the applicant and his occupation, age, color, sex, height, weight, color of hair, eyes, scars and other visible markings and give a full description of the article, whether new or used, with the names, letters, numbers and other identification marks and style thereof and the name of the person from whom such article is to be obtained. The Superintendent of Police may also require the fingerprints of the applicant as part of such application.

67-12. *Oath that applicant has not been charged with felony.* Each applicant for a permit under the provisions of this article shall be required to swear under oath, before the Superintendent of Police or any other officer of the Department of Police, designated by the Superintendent, that he has not been previously charged with or convicted of any felony.

67-13. *Approval stamp on application; use of application.* The Superintendent of Police or other officer or agent designated by him shall write or stamp the hour and the date on which any application to purchase articles is filed and may require a reasonable time thereafter, not to exceed seventy-two hours, within which to investigate and verify the statements contained in the application and the identity of the person making it before the application is approved, as of right.

The date and hour of approval shall be written on the application, together with the name of the officer approving it. Such application shall not be used by any other person than the one signing it.

67-14. *How transfer made.* The transfer under applications to purchase articles under this article shall be made only between the hours of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

67-17. *Unlawful to obtain for or transfer to another, etc.* It shall be unlawful for any person to obtain the transfer of any article for the account of, or to sell, give away, lend, exchange or otherwise dispose of any such article to another person and it shall be unlawful for any person to employ or procure anyone to apply for or obtain the transfer of any such article or to aid and abet in such violation of this article.

Zachary

11-41. (a) *Illegal carrying of weapons*. . . . (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

MAINE

State Law

MAINE REV. STATS. ANN. TITLE 12

2458. *Silencers; automatics; capacity.* No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to the penalties of section 3060. Any sheriff, deputy sheriff, constable or warden may seize any firearm and any device or silencer found in possession of any person in violation of this section, and on conviction of the party from whom such firearm is seized, such firearm shall be sold and the proceeds paid to the Treasurer of State, and the device or silencer shall be destroyed. This section does not apply to military organizations authorized by law to bear arms, or to the National Guard in the performance of its duty.

MAINE REV. STATS. ANN. TITLE 15

391. *Definitions.* The following words and phrases when used in this chapter are defined as follows:

"Pistol," "revolver" and "firearm" mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

392. *Application.* The penal provisions of section 393 shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the 5-year period next immediately following his discharge or release from prison.

393. *Possession forbidden.* It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the State of Maine, or of any other state, to have in his possession any pistol, revolver or any other firearm capable of being concealed upon the person. Anyone violating any of the provisions of this chapter shall be guilty of a felony, and upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 5 years.

MAINE REV. STATS. ANN. TITLE 17

502. *Construction, assembling or possession.* Except for lawful purposes in any instance, whoever knowingly constructs, assembles, or knowingly has in his possession any device, bomb or infernal machine capable of being exploded, or knowingly possesses materials appropriate for the construction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than 15 years, or by both.

553. *Selling firearms, dangerous weapons or ammunition to children.* Whoever gives, furnishes or sells to any child under the age of 16 years any dangerous weapon or firearm or ammunition, except in cases where the parents, guardians, teachers or instructors of children may furnish them with such weapons for hunting or target shooting outside the thickly settled portions of any town or city, or where such weapons may be used in any licensed shooting gallery, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 60 days.

MAINE REV. STATS. ANN. TITLE 25

1163. *Equipment not to be sold.* The clothes, arms, military outfits and accoutrements furnished by or through the State to any member of the National Guard or other authorized state military or naval forces shall not be sold, bartered, exchanged, pledged, loaned or given away. No person not a member of the military forces of this State or the United States, or duly authorized officer or agent of the State or of the United States, who has possession of any such clothes, arms, military outfits or accoutrements so furnished and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein; but the same shall be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the Adjutant General. The possession of any such clothes, arms, military outfits or accoutrements by any person not a member of the military forces of the State or of the United States shall be presumptive evidence of such sale, barter, exchange, pledge, loan or gift.

1164. *Sale of equipment; penalty.* Any person who shall sell, or offer for sale, barter, exchange, pledge, loan or give away, secrete or retain after demand made by any officer of the State, civil or military, any clothes, arms, military outfits or accoutrements furnished by or through the State to a member of the National Guard or other authorized state military or naval forces, or who shall receive by purchase, barter, exchange, pledge, loan or gift, any such clothes, arms, military outfits or accoutrements shall be guilty of a misdemeanor and punished by a fine of not more than \$100 or by imprisonment for not more than 6 months, or by both.

1268. *Closing of liquor and ammunition stores.* Whenever any part of the National Guard or other authorized state military or naval forces is on active duty, pursuant to the order of the Governor or call of civil authority, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away any of said articles so long as any of the troops remain on duty in such places or in the vicinity thereof, whether any civil officer has forbidden the same or not.

Portland

Possession of firearm by felon. It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the State of Maine, or of any other state, to have in his possession any pistol, revolver, or any other firearm capable of being concealed on the person. Anyone violating any provisions of this chapter shall be guilty of a felony.

South Portland

6-4-2.7. *Sales to intoxicated persons and minors.* No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

MARYLAND

State Law

MD. ANN. CODE, ARTICLE 27

372. *Definitions.* "Machine gun" as used in this subtitle, means a weapon, of any de-

scription, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

374. *Use of machine gun for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

375. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in § 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

377. *Exceptions.* Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

379. *Registration of machine guns.* Every machine gun now in this State shall be registered in the office of the Secretary of State, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Secretary of State, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

406. *Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions.* It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the

costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

441. *Definitions.* (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

442. *Sale or transfer of pistols and revolvers.* (a) Right to regulate sales preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer.—No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the superintendent of the Maryland State Police.

(c) Same—Disposition of copies.—The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required.—The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than

two years, or a fine of not more than \$1,000, or both."

(e) Same—Information required.—The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least twenty-one years of age.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee.

(g) Sale prohibited to disapproved applicant; exceptions.—No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts pursuant to subsection (h) below.

(h) Hearing; judicial review.—Any prospective purchaser or transferee aggrieved by the action of the State Police may request a hearing within 30 days from the date when written notice was forwarded to such aggrieved person by writing to the Superintendent of State Police, who shall grant the hearing within fifteen days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(i) Notification of completed transaction; permanent record of sales and transfers.—Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section.—Nothing in this section shall be construed to affect sales and/or transfers for bonafide resale in the ordinary course of business of a person duly licensed under § 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United

States, including all official reserve organizations, or the Maryland National Guard.

(k) Penalties.—Any person who knowingly gives any false information or makes any material misstatement in an application required by this section, or who fails to promptly forward such application to the Superintendent of the Maryland State Police or his duly authorized agent or agents, or who sells or transfers a pistol or revolver to a person other than the one by whom application was made, or who otherwise sells, transfers, purchases, or receives transfer of a pistol or revolver in violation of this section, shall upon conviction thereof be subject to the penalties hereinafter provided in § 448 of this subtitle.

445. *Restrictions on sale, transfer and possession of pistols and revolvers.* (a) Right to regulate transfer and possession of pistols and revolvers preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession, or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc.—It shall be unlawful for any dealer or person to sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under twenty-one years of age.

(c) Possession by criminal, fugitive, etc.—It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle, or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

446. *Sale, transfer, etc., of stolen pistol.* It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

447. *Antique or unserviceable firearms excepted.* The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

Annapolis

18-14. *Selling, giving, etc., firearms or ammunition to minor under eighteen.* It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away any firearms whatsoever or other deadly weapons or any ammunition therefor to any minor under the age of eighteen years, except with the express and written permission of a parent or guardian of such minor.

Baltimore

81. *Definitions.* (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault

with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

85. *Convicts not to possess.* No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

88. *Delivery to minors and others.* No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

89. *Order required for transfer.* No seller, transferor or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, which order shall be issued as hereinafter provided. Application for such written order shall be made by the purchaser, transferee or donee to said Police Commissioner, or his agent (upon forms prepared by said Police Commissioner), at least five days before such written order is issued and such application, in addition to any other information required by said Police Commissioner, or his agent, shall contain the full name, signature, address, brief physical description, age, occupation, color, place of birth, date and hour of application and the fingerprints of the applicant and shall contain a statement by the applicant that such applicant has never been convicted in this State, or elsewhere, of a crime of violence, is not a drug addict and is not an habitual drunkard. Such application shall be executed in triplicate. Said Police Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is under the age of twenty-one (21) years or has been convicted of a crime of violence, or is an habitual drunkard, or a drug addict, or is of unsound mind, said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. Said order shall contain a place for the signature of the purchaser, transferee or donee, and no seller, transferor or donor shall deliver a pistol to the purchaser, transferee or donee unless the signature of such purchaser, transferee or donee shall be affixed to such order in triplicate in the presence of the seller, transferor or donor and unless it shall appear that the signature affixed to such order is the same signature as the signature which appears on the application. The seller, transferor or donor, within six hours after delivery of any pistol to the purchaser, transferee or donee (1) shall designate upon said order in triplicate the caliber, make, model, manufacturer's number of such pistol, the date and hour of such delivery and the name, signature and address of the seller, transferor or donor; (2) shall forward, by registered mail, the original and duplicate of said application and order to said Police Commissioner; said

Police Commissioner shall within seven days after he receives said duplicate of such application and order, forward such duplicate to the Superintendent of Maryland State Police, whose duty it shall be to maintain a file of the records of all sales, transfers or gifts of pistols or revolvers in the City of Baltimore, and (3) retain the triplicate of such application and order as a permanent record.

90. *False information.* No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

19-4. *Purchase, sale, etc., in connection with minors.* (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or user, or prospective possessor or user thereof, shall first file with the police bureau a statement of possession or use, which statement shall be retained by the police bureau. Such statement shall be endorsed by the parents or guardians of such person under twenty-one years of age attesting to the knowledge of the parents or guardians of the acquisition, use or possession, or prospective acquisition, use or possession of any firearms. Such endorsement executed by the parents or guardians also shall provide clearly and with no exceptions or qualifications that any negligence of such person under twenty-one years of age in the use or possession of any firearm shall be imputed to the parents or guardians, and that the parents or guardians shall be jointly and severally liable with such person under twenty-one years of age for any civil damages caused by such negligence. All statements as required and provided for under this section shall be signed and sworn to before a person authorized to administer oaths. Nothing in this section shall be construed as requiring the registration or listing of firearms by serial number, or otherwise except as firearms.

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police bureau, as required herein.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, to be licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.

Cumberland

19-11. *Firearms—Pistols, revolvers, etc.—Permit required for sale.* (a) No person shall sell, give or lend to any person within the city a revolver, pistol or other small firearm, unless such person has a permit from the chief of police authorizing the possession of such revolver, pistol or other small firearm. (b) This section shall apply to all persons within the city, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not.

19-12. *Permit required for possession.* Upon application by any person to the chief of police for a permit to possess a revolver, pistol or other small firearm, it shall be with-

in the discretion of the chief of police to refuse to grant such permit if the chief of police believes that an improper use is to be made of such revolver, pistol or other small firearm, and in no event shall the chief of police be compelled to issue such permit until two days after the filing of such application.

No person shall have possession of a revolver, pistol or other small firearm without such permit.

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, air-gun, bow and arrow (other than an infant's toy), sling-shot, bean shooter, or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice" as above provided and permitted.

Montgomery County

109-1. *Definitions.* The following words as used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

"Crime of violence" shall mean murder, voluntary manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to murder, ravish or rob; assault with a deadly weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

"Dealer" shall include any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of renting or repairing such firearms, or any person who is either licensed, or required to be licensed as such under State or Federal law.

"Fixed ammunition" shall mean any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Fugitive from justice" shall mean any person for whom criminal proceedings have been instituted, warrant issued, or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this State, or who has fled from any State, territory or the District of Columbia, or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

"Gun" shall include any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

"Habitual drunkard" shall mean any person who has been convicted of being drunk three or more times within a period of one year.

"Person" shall include an individual, partnership, association or corporation.

"Pistol or revolver" shall mean any gun with a barrel less than sixteen (16) inches in length that uses fixed ammunition.

"Sell and purchase" and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

"Subversive organization" shall include any "subversive organization" or "foreign subversive organization" as defined by Article 85A, Subsection 1, Annotated Code of Maryland, 1957.

"Subversive person" shall include any person as defined by Article 85A, Subsection 1, Annotated Code of Maryland, 1957.

"Superintendent of Police" shall mean the Superintendent of Police for Montgomery

County, Maryland, or his duly authorized agents.

"Unsound mind" shall include any person who is, or has a history of (1) psychosis, or (2) brain dysfunction with or without specific mental retardation.

109-6. *Transfer to minors prohibited; exceptions.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile thereof within the county to a minor under the age of eighteen years, or to give, sell, rent, lend or otherwise transfer any pistol designed to use explosive ammunition or any projectile thereof within the county to a minor under the age of twenty-one years. Provided, however, that nothing contained within this subsection shall be construed to apply where the relationship of parent and child, guardian and ward, or adult instructor and pupil exist between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

109-7. *Unlawful ownership or possession of firearms.* It shall be unlawful for any person to own or keep a rifle, shotgun or pistol or have a rifle, shotgun, or pistol in his possession or control within the county, if:

(a) He is a drug addict; or
(b) He has been convicted in this state or elsewhere of a crime of violence trafficking in narcotics or violating any of the provisions of Article 27, Sections 441 to 448, subtitle "Pistols," Annotated Code of Maryland 1957; or

(c) He is an habitual drunkard; or
(d) He is of unsound mind; or
(e) He is a subversive person; or
(f) He is a member of a subversive organization.

109-11. *Transfer to certain persons prohibited.* It shall be unlawful for any person to sell, give, or otherwise transfer a pistol to, keep a pistol for or intentionally make a pistol available to any person whom he knows or has reasonable cause to believe:

(a) Has been convicted in this state or elsewhere of a crime of violence, trafficking in narcotics or violating any of the provisions of Article 27, Sections 441 to 448, Annotated Code of Maryland, 1957; or
(b) Is a drug addict; or
(c) Is an habitual drunkard; or
(d) Is of unsound mind; or
(e) Is a subversive person; or
(f) Is a member of a subversive organization.

Prince Georges County

1. *Definitions.* (a) The term "person" includes an individual, partnership, association or corporation.

(b) The term "pistol" as used in this Ordinance means any firearm with barrel less than twelve inches in length.

(c) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(d) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking, assault with intent to murder, ravish or rob; assault with a deadly weapon, or an assault where the sentence imposed was by imprisonment for more than one year.

(e) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(f) The term "habitual drunkard" means any person who has been convicted of being

drunk in public for three or more times in one year.

(g) The term "Superintendent of Police" means the Superintendent of the Prince George's County Police Department or his designated agent.

(h) The term "registered dealer" is any person, firm or corporation as defined in (a) who is licensed as such under state or federal law.

2. *Dealers not to sell, etc., to minors and other persons.* No dealer or registered dealer shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under twenty-one (21) years of age, a pistol, having good cause to believe him to be a minor under twenty-one (21) years of age nor shall any dealer or registered dealer sell, lend, rent, or otherwise transfer any pistol to any person who such dealer has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or is an habitual drunkard, or is a fugitive from justice or is of unsound mind, nor to any person who has been denied the right to purchase, borrow, rent or otherwise acquire a pistol, by the Superintendent of Police, under the provisions of this Ordinance.

3. *Acquisition of pistols from dealers.* Any person over twenty-one (21) years of age desiring to purchase, borrow, rent or otherwise acquire a pistol from a dealer or registered dealer shall make application with said dealer, which application shall be prepared in duplicate and under oath of affirmation by such person stating his full name, address, occupation, place and date of birth, the date and hour of application, and a statement that he has never been convicted in this State or elsewhere of a crime of violence, that he is not an habitual drunkard, or a drug addict, and that he has never been committed or confined to an institution for treatment of mental illness from which he has not been discharged for a period of three years prior to the date of his application to purchase a pistol. Within eight hours after receipt of such application, the dealer or registered dealer who proposes to sell a pistol shall sign and attach his address and mail or deliver one copy of such statement to the Superintendent of Police or his authorized representative. A duplicate of the application shall be retained by the dealer for at least one (1) year.

4. *5 Day waiting period for sale of pistols.* No dealer or registered dealer shall deliver any pistol to the purchaser thereof until five (5) days, excluding Saturdays, Sundays, and holidays, shall have elapsed from the time the application has been received by the Superintendent of Police. The Superintendent of Police shall cause a postal card to be mailed to the said dealer on the same day the application is received in his office stating the time and date the application was received and upon receipt of such application the Superintendent of Police shall cause to be investigated the applicant from records readily available to the Police Department, to ascertain the applicant's qualifications to purchase said pistol pursuant to the requirements of this Ordinance.

5. *Notice to dealers.* If, within the five (5) day period, the Superintendent of Police shall inform, in writing, the dealer or registered dealer who proposes to sell the pistol that the applicant to purchase such pistol is (a) under the age of twenty-one (21) years, or (b) a person who has been committed or confined to an institution for treatment of mental illness, or drug addiction, and has not been discharged therefrom for a period of three years preceding the date of said application, or (c) has been convicted of a crime of violence, or (d) is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the ap-

plicant. A copy of the letter of denial of the Superintendent of Police shall be furnished to the applicant by the dealer or registered dealer and the dealer shall not deliver or disclose the information contained therein to anyone else without express permission of the applicant.

7. *Exemptions.* This Ordinance shall not apply to (a) marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers currently employed as such, (b) any person having State Department diplomatic immunity, to any person employed in or any official branch of a Federal, State or local government whose duty includes law enforcement in the nature of a police officer, (c) purchases by any dealer or registered dealer, (d) rental on the premises of pistols by persons twenty-one (21) years of age or over while upon the premises and being used upon a supervised rifle or pistol range, (e) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment, for safekeeping, or for repairs, or (f) a wholesale purchase from a registered dealer by any person, firm or corporation regularly engaged in the business of manufacturing, repairing or selling pistols at retail.

Takoma Park

4. It shall be unlawful for any person or persons to sell to any child or children under the age of eighteen (18) years, firearms, ammunition, gunpowder, gun caps, or other explosives in any quantity or quantities; provided, toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

MASSACHUSETTS

State Law

MASS. GEN. LAWS ANN. CHAPTER 140

121. *Definitions; exceptions.* In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel, not including any revolving, detachable or magazine breech is less than eighteen inches. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous pull of the trigger and includes a sub-machine gun. The words "purchase" and "sale" shall include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilty, or a plea of guilty, whether or not final sentence is imposed. Sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, and section one hundred and thirty-one A shall not apply to any firearm made prior to eighteen hundred and ninety-seven, including matchlock, flintlock, percussion cap or similar early type ignition system or a replica thereof, whether actually made before or after the year eighteen hundred and ninety-seven, and also any firearm using fixed ammunition made prior to eighteen hundred and ninety-eight, for which ammunition is no longer made in the United States and is not readily available in the ordinary channels of commercial trade.

123. A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions: * * * Sixth, That every firearm, rifle or shotgun shall be unloaded when delivered. Seventh, That no delivery of a firearm, rifle, shotgun or ammunition therefor shall be made to any person not having a license to carry said firearm issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B. Eighth, That no firearm, rifle or shotgun shall be sold, rented or leased to a person who has not a permit then in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, except as provided for in section one hundred and thirty-one E and except as prohibited in section one hundred and twenty-nine B relative to the firearm identification card, and that no machine gun shall be sold, rented or leased to a person who has not a license to possess the same issued under section one hundred and thirty-one. Ninth, That upon the sale, rental or lease of a firearm, rifle or shotgun, the licensee under section one hundred and twenty-two shall take up such permit to purchase, and shall endorse upon it the date and place of said sale, rental or lease, and shall forthwith transmit the same to the commissioner of public safety; and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall forthwith transmit a notice thereof to said commissioner. In case of a sale under the provisions of section one hundred and thirty-one E or section one hundred and twenty-nine B providing for a firearm identification card the dealer shall write in the sales record book the number of the license to carry issued the purchaser under the provisions of section one hundred and thirty-one.

129. Whoever in purchasing, renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit issued in connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious name and address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, occupation, or criminal record, shall for the first offense be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both; and for a second or subsequent offense, shall be punished by imprisonment for not less than two and one-half years nor more than five years in the state prison.

129B. Any person may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant

(a) Has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from a state prison or penitentiary, or

(b) Has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a rifle or shotgun, or

(c) Has been convicted of a violation of any federal or state narcotic or harmful drug law, or is under treatment or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a competent medical authority, he may make application for said license after the expiration of five years from the date of such finding and upon the

presentation of an affidavit issued by said authority to that effect, or

(d) Is at the time of the application under the age of fifteen, or

(e) Is at the time of the application fifteen years of age or over but under the age of eighteen, except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card.

The licensing authority may not prescribe any other conditions for the issuance of a card and he shall within thirty days from the date of application either approve the application and issue the card, or deny the application and notify the applicant of the reason for such denial in writing.

Said card shall be in a form prescribed by the commissioner and shall contain an identification number, the name and address of the holder, his height, weight, and hair and eye color, and his signature and shall be captioned "firearm identification card". The application for a card shall be made in triplicate on a form prescribed by the commissioner which shall require the applicant affirmatively to state that he is not disqualified for any of the foregoing reasons from possession of a card.

Said card shall be valid for five years and shall be subject to automatic renewal upon sworn application, and without investigation, unless the licensing authority has reason to believe that the status of the applicant has changed since the previous application. The fee for an application for or a renewal of a card shall be two dollars, which shall be payable to the licensing authority.

(NOTE: The provisions of 129B do not apply until January 1, 1969.)

129C. No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle or shotgun unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a firearm, rifle or shotgun or ammunition therefor other than,

(a) by operation of law, or
(b) to an exempt person as hereinafter described, or

(c) to a licensed dealer, or
(d) to a person who displays his firearm identification card, or license to carry a pistol or revolver.

The provisions of this section shall not apply to the following exempted persons and uses:

(a) Any rifle, shotgun or device used exclusively.

(i) for signalling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or

(ii) for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(b) Federally licensed firearms manufacturers or wholesale dealers or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms is necessary for manufacture, display, storage, transport, installation, inspection or testing.

(c) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duties or when duly authorized to possess them;

(p) Nonresidents bearing a current license, permit or identification card to possess any firearm, rifle or shotgun in the state in which they reside;

(q) Any nonresident acquiring a rifle or shotgun, provided it is removed from the commonwealth within thirty days of such acquisition.

Any person, exempted by paragraphs (o), (p), or (q), purchasing a rifle or shotgun shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

130. Whoever sells or furnishes a firearm or machine gun or ammunition therefor to an alien, or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or over, except to such minor who displays a firearm identification card, a sporting or hunting license issued to him, and the written consent of his parent or guardian that a rifle or shotgun or ammunition therefor be sold or furnished to him, or to a minor under eighteen years of age, shall be punished by a fine of not less than one hundred nor more than five hundred dollars. Nothing in this section shall be construed as prohibiting a parent or guardian from furnishing his child or ward with a rifle or shotgun or ammunition therefor provided said child or ward has a valid firearm identification card issued to him, nor shall it be construed as prohibiting an instructor from furnishing rifles or shotguns or ammunition therefor to pupils provided that said instructor has the consent of the parent or guardian of the minor.

(NOTE: The provisions of 130 do not apply until January 1, 1969.)

131A. *Permits to purchase, rent, or lease firearm; penalty.* A licensing authority under section one hundred and thirty-one, upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. The commissioner of public safety or a person authorized by him, upon the application of a person licensed under section one hundred and thirty-one F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. Such permits shall be issued on forms furnished by the commissioner of public safety, shall be valid for not more than ten days after issue, and a copy of every such permit so issued shall within one week thereafter be sent to the said commissioner. Whoever knowingly issues a permit in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

131E. Any resident of the commonwealth may purchase firearms, rifles or shotguns from any dealer, licensed under section one hundred and twenty-two, upon presentation of a valid license to carry firearms, issued to him under the provisions of section one hundred and thirty-one or a firearm identification card, issued to him under the provisions of section one hundred and twenty-nine B. Any person who uses said license or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the use of another, or for the purpose of resale, or giving to an unlicensed person, shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or by both such fine or imprisonment.

131H. *Permit to possess, etc., firearms by aliens.* No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as the said commissioner may deem proper. The fee for such permit shall be two dollars and twenty-five cents. Upon issuing such permit said commissioner shall so notify, in writing, the chief of police or the board or officer having control of the police in the city or town in which such alien resides. Each such permit shall expire at twelve midnight on December thirty-first next succeeding the effective date of said permit, shall be revocable for cause by said commissioner. In case of revocation, the fee for such permit shall not be prorated or refunded. Whenever any such permit is revoked, said commissioner shall give notification as hereinbefore provided.

Violation of any provision of this section shall be punished by a fine of fifty dollars or by imprisonment for not more than one month, or both. If, in any prosecution for violation of this section, the defendant alleges that he has been naturalized, or alleges that he is a citizen of the United States, the burden of proving the same shall be upon him. Any firearm, rifle or shotgun owned by an alien or in his possession or under his control in violation of this section shall be forfeited to the commonwealth. Any such firearm, rifle or shotgun may be the subject of a search warrant as provided in chapter two hundred and seventy-six.

MASS. GEN. LAWS ANN. CHAPTER 148

35. *Possession of bombs and explosives; penalty.* No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

MASS. GEN. LAWS ANN. CHAPTER 266

102A. *Possession of infernal machine; notice of seizure.* Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under his control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by explosion, whether or not contrived to explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

MASS. GEN. LAWS ANN. CHAPTER 269

10. *Penalty for unlawfully carrying dangerous weapons, possessing machine gun, etc.* * * * Whoever, except as provided by law,

possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter, shall be punished by imprisonment in a jail or house of correction for not more than two and one half years or by a fine of not more than one thousand dollars.

10A. *Sale, etc., of silencers for firearms.* Whoever sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. Upon conviction of a violation of this section, the instrument, attachment or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall destroy said article.

11A. *Definitions.* For the purpose of this section and sections eleven B, eleven C and eleven D, the following words shall have the following meanings:

"Firearm", a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, or a rifle or shotgun.

"Serial number", the number stamped or placed upon a firearm by the manufacturer in the original process of manufacture.

"Identification number", the number stamped or placed upon a firearm by the commissioner of public safety under authority of section eleven D.

11C. *Removing, defacing, etc., serial or identification number of firearm.* Whoever, by himself or another, removes, defaces, alters, obliterates or mutilates in any manner the serial number or identification number of a firearm, or in any way participates therein, and whoever receives a firearm, with knowledge that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not less than one month nor more than two and one half years. Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. Upon a conviction of a violation of this section said firearm or other article shall be forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall cause said firearm or other article to be destroyed.

11E. No manufacturer of firearms shall after April first, nineteen hundred and sixty-nine sell any firearm in the commonwealth, except for military purposes, unless said firearm has a serial identification number thereon. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

12. *Manufacturing, etc., slung shot, etc.* Whoever manufactures or causes to be manufactured, or sells or exposes for sale, an instrument or weapon of the kind usually known as a dirk knife, switch knife or any

knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches, slung shot, sling shot, bean blower, sword cane, pistol cane, bludgeon, blackjack, or metallic knuckles or knuckles of any other substance which could be put to the same use and with the same or similar effect as metallic knuckles, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months; provided, however, that sling shots may be manufactured and sold to clubs or associations conducting sporting events where such sling shots are used.

MICHIGAN

State Law

MICH. COMP. LAWS ANN. TITLE 28

28.91. *Terms defined.* 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.92. *Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols.* 2. No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for said pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 21 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the commissioner of the Michigan state police. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the commissioner of the Michigan state police and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following

the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the commissioner of the Michigan state police. Such license shall be void unless used within 10 days from the date of its issue. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. The provisions of this section shall not prevent the transfer of ownership of pistols which are inherited provided the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

28.98. Inapplicability of certain sections. 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

28.419. Definitions. 222. "Pistol" as used in this chapter means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm. "Purchaser" means any person who receives a pistol from another by purchase, gift or loan. "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.420. Selling pistols. 223. Any person who shall be the seller of any pistol, as those terms are defined in this chapter, without complying with the requirements of section two (2) of act number three hundred seventy-two (372) of the public acts of nineteen hundred twenty-seven (1927), being section sixteen thousand seven hundred fifty (16750) of the compiled laws of nineteen hundred twenty-nine (1929), shall be guilty of a misdemeanor.

28.421. Selling, etc., machine guns, silencers, blackjacks, etc.; exceptions. 224. Any person who shall manufacture, sell, offer for sale or possess any machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, black-jack, sling shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$2,500.00. The provisions of this section shall not apply to any person manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the

government of the United States, or with any foreign government, state, municipality or any subdivision thereof, or to any person duly licensed to manufacture, sell or possess any machine gun or gas ejecting device, weapon, cartridge, container or contrivance above mentioned.

28.426. Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale. 229. Any pawnbroker who shall accept a pistol in pawn or any second-hand or junk dealer, as defined in Act No 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

28.427. Alteration of pistols; presumptive evidence of alteration. 230. Any person who shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol, shall be guilty of a felony, punishable by imprisonment in the state prison not more than two (2) years or fine of not more than one thousand (1,000) dollars. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same.

28.429(1). Purchaser of pistol without license, false statement in application. 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor. Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

28.434. Possession or use of fire-arm by person under influence of liquor or drug. 237. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

28.559(1). Explosives; furnishing to minor. 327a. Any person who sells or furnishes to any minor under the age of 18, without first having procured the written consent of the parent or guardian of the minor, any bulk gunpowder, dynamite, blasting caps or nitroglycerin is guilty of a misdemeanor.

MICH. COMP. LAWS ANN. TITLE 3

3.4(1). Governor's power to declare emergency, designate area involved; power to regulate traffic and transportation, public and private; places of assembly; alcoholic beverages; firearms, other dangerous weapons, ammunition; explosives, inflammable materials. 1. During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state, or reasonable apprehension of immediate danger thereof, when public safety is imperiled, either upon application of the mayor of a city, sheriff of a county, the commissioner of the Michigan state police, or upon his own volition, the governor may proclaim a state of emergency and designate the area involved. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly, and of persons on

public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the date and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded, in like manner, from time to time by the governor during the pendency of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

Buchanan

11.4. Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, or any instrument or weapon of the kind commonly known as blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Clawson

8-109. Dangerous weapons; possession prohibited, exceptions. (a) No person shall within the city possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Detroit

66-1-2. Permit required to purchase pistols. No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

Grand Haven

8-209. Dangerous weapons; possession prohibited. No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Hazel Park

15. Dangerous weapons; possession prohibited. (a) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

4. It shall be unlawful for any person to sell, give, furnish or deliver to any person or persons, any pistol, revolver or other small

firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Lapeer

19.09. *Firearms.* (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.

Marshall

20.02. *Firearms.* (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word "firearm" includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Pontiac

The city of Pontiac ordains: 1. In times of public danger or emergency, or during times of great public crisis when the public health, safety, welfare or person or property is imperiled, or in times when the maintaining of law and order is imperiled, because of disaster, rioting, civil disturbances, or other similar public catastrophe; or when there is reasonable apprehension of public danger or emergency, or of great public crisis or of the public health, safety, welfare or person or property being imperiled; or when there is reasonable apprehension of jeopardy to the maintaining of law and order because of impending disaster, rioting, civil disturbance or other similar public catastrophe; the Mayor may proclaim a state of public danger or emergency, and designate the area or areas within the City involved. In the absence of the Mayor or in the event of his disability, the Mayor Pro-Tem shall have the powers and authority herein given to the Mayor, and if neither the Mayor nor the Mayor Pro-Tem are able or available to exercise such powers and authority, the City Commission, either at a regular or special meeting, shall have such power and authority.

2. Following such proclamation as set forth in Section 1 of this ordinance, the Mayor or other proclaiming authority as set forth in Section 1, may promulgate such reasonable orders, rules and regulations as he or they deem to be necessary to protect life and property and to maintain law and order, and preserve the public health, safety, and welfare, or to bring the emergency situation within the affected area or areas under control, or to provide safeguards against threatened encroachment upon the public health, safety, welfare and preservation and maintenance of law and order. Said orders, rules and regulations may provide for the control of traffic of all types, designation of specific zones within the area or areas in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated, control of places of amusement and assembly, and control of persons on public streets and thoroughfares, establishment of a curfew, control of the sale, transportation, dispensing and use of alcoholic beverages and liquors, of every form

and type, and control of the sale, carrying, possession, storing and use of firearms or other dangerous weapons, ammunition, explosives and inflammable materials or liquids, deemed to be dangerous to the public safety.

3. Said orders, rules, regulations and proclamations, referred to or provided for in this ordinance, shall be effective from the date, time, and in the manner therein prescribed and shall be made public by announcement through any news media of general publication or general broadcasting in the Pontiac area, and if no such media is publishing or broadcasting at the time of the proclamation or is unable for any reason to disseminate said announcement, then said orders, rules, proclamations and regulations shall be made public by posting the text thereof in three conspicuous public places within the City. Such orders, rules, proclamations and regulations may be amended, modified or rescinded in like manner from time to time by the Mayor, or other issuing authority as provided for in Section 1 of this ordinance, during the pendency of the emergency, but shall cease to be in effect upon declaration by the Mayor, or said issuing authority, that the emergency no longer exists.

Trenton

9.171. *Dangerous weapon.* (1) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sand bag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

MINNESOTA

State Law

M.S.A. PUBLIC HEALTH AND SAFETY

609.02. *Definitions.* 1. "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment or fine or both.

2. "Felony" means a crime for which a sentence of imprisonment for more than one year may be imposed.

3. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$100 may be imposed.

4. "Gross misdemeanor" means any crime which is not a felony or misdemeanor.

5. "Conviction" means any of the following accepted and recorded by the court:

(1) A plea of guilty; or

(2) A verdict of guilty by a jury or a finding of guilty by the court.

6. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

609.66. *Dangerous weapons.* 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:

(6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or

(8) In any municipality of this state, furnishes a minor under 18 years of age

with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.

609.67. *Machine guns.* 1. "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

2. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

3. The following persons may own or possess a machine gun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns as war relics, museum pieces, or as objects of curiosity, ornament, or keepsake, and not useable as a weapon.

5. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

Arden Hills

1. *Definitions.* Deadly weapons. The term "deadly weapons" as used herein shall include the following: (1) all firearms; (2) bows and arrows when the arrows are pointed or tipped; (3) all instruments used to expel at high velocity any pellets of any kind, including, but not limited to, BB guns and air rifles; (4) sling shots; (5) metal knuckles; and (6) switchblade knives, being knives with retractable blades.

4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Blaine

101. *Weapons.* .01. The term "deadly weapons" as used herein shall include the following: (1) All firearms; (2) Bows and arrows when arrows are point tipped; (3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B-B guns and air rifles; (4) Sling shots; (5) Sand clubs; (6) Metal knuckles; and (7) Daggers, dirks and knives.

101.03. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

101.04. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Buhl

510.02. *Deadly weapons.* It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a sling-shot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stiletto, pocket bill, sand bag, skull cracker, razor or

other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.

Coon Rapids

7-1000. *Weapons.* 7-1001. The term "deadly weapons" as used herein shall include the following:

- (1) All firearms;
- (2) Bows and arrows when arrows are pointed tipped;
- (3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B-B guns and air rifles;
- (4) Sling shots;
- (5) Sand clubs;
- (6) Metal knuckles; and
- (7) Daggers, dirks, and knives.

7-1003. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

7-1004. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Cotton Grove

7. *Use by minors.* No minor under the age of fourteen (14) years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind for hunting or target practice or any other purpose.

Crystal

1. *Definitions.* 1.02. Specific terms: The following terms have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Military type weapon" shall mean any firearm such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons.

(c) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass by means of explosives or gas.

(d) "Hand gun" shall mean any firearm having a barrel of less than twelve inches in length.

(e) "City Clerk" shall mean the person duly appointed as such by the City Council of the City of Crystal.

2. *Prohibitions relating to military type weapons.* 2.01. No person within the corporate limits of the City of Crystal shall own, keep, carry or have possession of any military type weapon as defined in this ordinance.

Duluth

49-6. *Possession, use, etc., of firearm silencers prohibited.* No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

49-8. *Possession of firearms by minors.* No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or

under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose.

49-20. *Sales and rentals to minors.* No person shall sell, rent, give, loan or in anywise furnish any firearm, air gun or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.

Ely

410:02. *Deadly weapons.* No person shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as sling shot, sand club, or metal knuckles; or without the written consent of a magistrate, shall sell or give any pistol or firearm to a person under the age of eighteen years.

Hibbing

Firearms, sale and possession. 7-14.1. It shall be unlawful in the Village of Hibbing for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a slingshot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stilleto, pocket billy, sand bag, skull cracker, razor or other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under age of eighteen (18) years, without the written consent of a magistrate or the president of the said village or the chief of police or marshal of said village.

Hopkins

4. *Sale of firearms to minors.* Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a misdemeanor.

6. *Minors not to use firearms.* No minor under the age of fourteen years shall handle, or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Every person violating any of the foregoing provisions or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Hoyt Lakes

2. *Use of fire arms by minors.* No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any fire arm or air gun of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

Maplewood

1210.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing

him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of Maplewood to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

1210.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name, address and nationality, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Minneapolis

877.010. *Definitions.*

2. *Specific terms.* The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having fire-power, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shot-guns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

(f) "Assault weapon" shall mean any weapons other than firearms or military

type weapons having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, sand-club, pipe club, chain club, or metal knuckles.

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(i) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. *Persons prohibited.* It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.030 *Places prohibited.* 1. It shall be unlawful for any person, except law enforcement or military personnel while in the course of their duties, or owner or agent while he is present at a business place operated by him, or private persons with permits who are required by their occupation to be present, to have in his possession or control any firearm or ammunition while such person is present at any public place or public gathering within the City.

2. "Public place" shall mean any building or establishment, where the business, social, or governmental activity ordinarily conducted is generally held open to the public; specifically including such locations as governmental buildings, meeting halls, centers for art and culture, places of amusement, liquor or beer establishments, and restaurants.

3. "Public gathering" shall mean any demonstration, picketing activity or group protest or any location whether out of doors or indoors, including buildings not ordinarily public places, which on the occasion of the gathering has present ten or more unrelated persons.

4. "Public place or public gathering" shall not include sporting goods outlets, or private residences, or the regulated activities of target shooting clubs, sportsmen's clubs, or the regulated activities of military or veterans' organizations, or when use or display of firearms is specifically authorized by the City of Minneapolis for gun training programs, gun shows, parades, or other public events.

877.040. *Weapons prohibited.* It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type or assault weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. *Sales, gift or delivery of weapons and ammunition.* It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon or assault weapon and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. *Report of sale, gift, or delivery of handguns.* Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, which report shall contain the following information:

(a) Date of the agreement to sell, deliver or give;

(b) Name and residence of the person to receive the handgun, substantiated by appropriate identification such as driver's license, Selective Service or Social Security card, etc.;

(c) A description of the person to receive the handgun as to date of birth, height, weight, color of eyes and hair, and other distinguishing physical characteristics;

(d) A description of the handgun by caliber, make, model and serial number;

(e) Name and address of person agreeing to sell, deliver, or give the handgun.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. *Permit for military type and assault weapons.* The owner or purchaser of a military type or assault weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Montevideo

Weapons—Sale to minors. No person shall sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Minors not to use firearms. No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or

guardian, any firearms of any kind for hunting or target practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Mound

51.30. *Minors—Firearms.* No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm, air gun, ammunition or dynamite to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the village, nor sell, give, loan or in anywise furnish any fireworks to any person.

North St. Paul

175.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

175.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

175.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of North St. Paul to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

175.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name and address, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

175.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

175.060. *Wholesale to dealers does not apply.* Nothing contained herein shall apply to the sales at wholesale to dealers.

Richfield

5.29. Firearms.

1. *Definitions.* The following terms have the meanings ascribed to them in this section:

(1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

9. *Unlawful disposition of firearms.* It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. *Dangerous weapons.* No person shall: (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnish a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, airgun, ammunition or explosive without the written consent of the parent or guardian, or of the police department.

Roseville

161.010 *Dangerous weapon defined.* "Dangerous weapon" includes any object, thing or device manufactured, constructed or shaped, the use of which as a weapon against natural persons would or may be dangerous to the life or physical well-being and safety of any such person, including, but not by way of limitation, any pistol, revolver, dagger, slingshot, knuckles of wood, metal or plastic, bowie knife, razor, switchblade knife or stiletto.

162.010 *Registration required.* No person shall purchase, sell, barter, trade, own, or have in his possession any pistol, revolver or other hand gun without registering the same with the Chief of Police of the Village.

163.010 *Possession of weapons by minors under 18.* No minor under the age of 18 years shall, within the corporate limits of the Village, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent

or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, or any slingshot, sling, air gun, spring gun, or the like; nor shall any such minor, within the corporate limits of the Village, fire or discharge any such firearm, sling, slingshot, air gun, spring gun, or the like, whether accompanied by his parent or guardian or otherwise.

163.020 *Possession of weapons by minors under 17.* No minor under the age of 17 years shall carry or wear about his person any gun, rifle, flobert, pistol, dirk, dagger, sword, slingshot, cross knuckles or knuckles of lead, brass or other metals, bowie knife, dirk knife, razor or any sort or description of firearm or any other dangerous or deadly weapon.

163.040 *Sale to minors under 18.* No person shall give, sell or otherwise furnish any firearms or air guns of any kind, or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the Police Department, the Sheriff, or his deputies, or the Judges of any court of record in the State.

South St. Paul

1105.01. It shall be unlawful for any person to purchase, receive or accept a revolver, pistol, and other firearms having barrels of ten inches or less in length, without first having obtained a written permit from the Chief of Police of the City of South St. Paul, authorizing him to purchase, receive or accept such revolver, pistol, and other firearms having barrels of ten inches or less in length.

1105.02. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol, revolver, or other firearms having barrels of ten inches or less in length, within the City of South St. Paul to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such revolver, pistol, or other firearms having barrels of less than ten inches in length, and in no case shall any person, firm or corporation deliver a pistol, revolver, or other firearm having barrels of ten inches or less in length, to the person to whom it is sold, or to be transferred, until such sale or transfer is approved by the Chief of Police in the manner hereinafter provided.

St. Peter

1. Whoever does any of the following shall be guilty of a misdemeanor:

(5) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm.

(7) Without the parent's or guardian's consent, furnishes to a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or handle ammunition or explosive.

(8) Furnishes a minor under 18 years of age with a firearm, air gun, ammunition, or explosive, without the written consent of his parent or guardian or of the city Police Department.

2. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

Two Harbors

(e) *Sales to intoxicated persons and minors.* No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can

be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Virginia

3. *Dangerous weapons.* It shall be unlawful for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell or keep for sale, offer or otherwise dispose of, any instrument or weapon of the kind usually known as sling-shot, sand-club or metal knuckles, or to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; or to attempt to use against another or with intent so to use, to carry, conceal or possess any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol or other dangerous weapon.

West St. Paul

52.02. *Deadly weapons.* * * * (f) Purchase of Revolvers. No person shall purchase, receive, or accept a revolver or pistol within the city without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive, or accept such revolver or pistol, providing the seller or transferor with his full and true name, address and date of birth in writing on a form approved by the Chief of Police.

(g) Sale of Revolvers. No person shall sell, deliver, offer for sale, or otherwise transfer a pistol or revolver within the city to any person, who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive, or accept such revolver or pistol, and in no case shall any person to whom it is sold or to be transferred, until such sale or transfer is approved by the Chief of Police in writing, until the purchaser or recipient of such firearm shall in the presence of the seller or transferor, write his name, address and date of birth, on the form as provided in paragraph (f). The seller or transferor shall then complete the form, giving the manufacturer or make of the pistol or revolver, model or type, caliber, barrel length and serial number. The form shall be signed by the seller or transferor and transmitted to the Chief of Police within Ten (10) days.

(h) Terms Defined. The words pistol or revolver shall be construed as meaning any firearm, gun, or weapon with a barrel less than 12 inches in length and shall also include hand guns which propel pellets or bullets by the use of compressed air or compressed gas.

White Bear Lake

1303.050. *Dangerous weapons.* No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, or any slingshot, sling, air-gun, spring-gun, or the like; nor shall any such minor fire or discharge any such fire-arm, sling, slingshot, air-gun, spring-gun or the like, whether accompanied by his parent or guardian, or otherwise.

No person shall give, sell, or otherwise furnish any firearms or air-guns of any kind, or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.

MISSISSIPPI

State Law

MISS. CODE ANN. TITLE 11

2079. *Carrying of deadly weapons.* Any person who carries, concealed in whole or in part, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, black-jack, slingshot, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as follows:

The possession of any deadly weapon as hereinabove described by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of this section.

However, it shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents, or duly authorized representatives, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuable, or persons similarly employed, and engaged, while actually engaged in the performance of their duties as such, provided that such persons are under bond in a sum of not less than one thousand dollars (\$1,000.00) for the lawful and faithful performance of their duties, the cost of which bond shall be paid by the employer of such persons, or game and fish law enforcement officers; and further provided that such persons have first made written application and obtained a permit so to do from the sheriff of the county in which they are employed. Provided, however, that where the duties of any person covered by the provisions of this paragraph may carry him into more than one county, such person may file a bond in the sum of two thousand dollars (\$2,000.00) with the secretary of state, for the lawful and faithful performance of his duties, the cost of the bond shall be paid by the employer of such person or game and fish law enforcement officers; and provided further that such person has first made written application with and obtained a permit so to do from the secretary of state, and said permit shall be valid as a state-wide permit, for which the secretary of state shall collect a fee of two dollars (\$2.00). No such permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States.

2081. *Carrying deadly weapons—Not applicable to certain persons.* Any person indicted or charged for a violation of section 2079 of this Code may show as a defense:

(a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or

(b) That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or

(c) That he was a law enforcement or peace officer in the discharge of his duties; or

(d) That he was at the time in the discharge of his duties as a mail carrier; or

(e) That he was at the time engaged in transporting valuables for an express company or bank; or

(f) That he was a member of the Armed Forces of the United States, National Guard, State Militia, Civil Defense Corps, guard or patrolman in a state or municipal institution

while in the performance of his official duties; or

(g) That he was in lawful pursuit of a felon; or

(h) That he was lawfully engaged in legitimate sports; or

(i) That at the time he was a company guard, bank guard, watchman or other person enumerated in the last paragraph of section 2079 and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff or the secretary of state to carry the weapon.

2083. *Deadly weapons—Cartridges not sold to infant or drunk person.* It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or imprisonment in the county jail not exceeding three months, or both.

2143.5. *Explosives—Illegal possession of—Search and seizure.* 1. It is unlawful for any person to have in his possession dynamite caps, nitro glycerine caps, fuses, detonators, dynamite, nitro glycerine, explosives, gas or stink bombs, or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; except such person or persons who are engaged in a lawful business which ordinarily requires the use thereof in the ordinary and usual conduct of such business, and who possess said articles for the purpose of use in said business; and upon conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year, and the possession of such explosives by one who does not customarily use same in his regular and ordinary occupational activities shall be prima facie evidence of an intention to use same for such unlawful purposes.

§ 2376. *Sound mufflers not to be used on firearms—Unlawful to manufacture.* It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the state of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. Any person, corporation or manufacturing establishment violating this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars, or imprisoned in the county jail not less than thirty days nor more than sixty days, or both.

Miss. Code Ann. Title 25

7015-31. *Explosives—Seller to keep records—When sale of explosives unlawful.* Every person who sells or otherwise disposes of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives, shall keep an accurate record of the name of the purchaser, his address, quantity, and the general purpose of its intended use. It shall be unlawful to sell dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives unless the person making the sale knows the purchaser and the general purpose for which such explosive or its counterpart will be used.

7015-32. *Sales of explosives to be reported—Regulation by municipalities.* Every seller of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives shall report any sale, transfer of title, or removal to the sheriff of the county where such transfer or removal took place within twenty-four (24) hours on forms to be provided. Should the sale, transfer of title or removal of explosives be within a municipality, then a report shall also be made within twenty-four (24) hours to the chief of police on forms to be provided. The governing authorities of municipalities shall have the power to adopt ordinances for the further regulation and control of dynamite, nitroglycerine and similar explosives.

Miss. Code Ann. title 31

8576. *National Guard—how ordered out.* When the state is threatened with invasion, insurrection, flood, or other catastrophe, or when there exists a riot, mob, unlawful assembly, breach of the peace or resistance to the execution of the laws of the state, or imminent danger thereof, and if in the opinion of the governor, the civil authorities are unable to repeal or suppress the same, or if the sheriff or judge of the circuit court of any county, call upon the governor for the aid of the troops, it shall be the duty of the governor to order out the Mississippi National Guard, or such part thereof as he may deem necessary for the purpose. Provided, that if the troops be ordered into any county in the aid of civil authorities at the request of the sheriff or the judge of the circuit court of said county, the governor shall be the sole judge of the number of troops to be ordered out on such service, and that the cost of such service shall be borne by the state.

Whenever any part of the military forces of this state is on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the sale, barter, loan, or the giving away of any of these articles so long as any of the troops remain on duty in the vicinity where the place ordered closed may be located.

Vicksburg

14-93. *Dispensing to minor or intoxicated person.* It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

MISSOURI

State Law

V.A.M.S. TITLE 38

564.590. *Machine gun, possession a felony—Exceptions.* It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

564.600. *Machine gun—Defined.* The term "machine gun" as used in section 564.590 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

564.610. *Dangerous and concealed weapons, prohibitions concerning—Exceptions—Penalty.* If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any courtroom during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under militia law of this state, having upon or about his person, concealed or exposed, any kind of firearms, bowie knife, springback knife, razor, metal knucks, billy, sword cane, dirk, dagger, slung shot or other similar deadly weapons or shall, in the presence of one or more persons, exhibit any such weapons in a rude, angry or threatening manner, or shall have any such weapon in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by imprisonment by the department of corrections for not more than five years, or by imprisonment in the county jail not less than fifty days nor more than one year, but nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

564.620. *Pistol, revolver or firearms to be plainly marked.* No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

564.630. *Concealed weapon permits—How obtained.* 1. No person, other than a manufacturer or wholesaler thereof to or from a wholesaler or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the

issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use or permit granted to another.

564.640. *Weapons must be stamped.* No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 564.620; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 564.630.

Blue Spring

15-28. *Mayor's authority during state of emergency; curfew regulations; penalty for violation of section.* (a) Proclamation of state of emergency. The mayor is hereby authorized, in the event of riot or civil disobedience or when actions of riot or civil disobedience appear imminent, to declare, by proclamation, that a state of emergency exists in the city.

(b) Emergency curfew. The mayor is hereby authorized in the event of the declaration of such emergency, to order an emergency curfew, at such hours as he shall deem necessary, to be in effect not to exceed seventy-two (72) hours at any one time without further orders of the board of aldermen.

(c) Curfew area; persons permitted in public places. Such emergency curfew shall be for the entire city and all persons other than law enforcement officers and personnel, conservators of the peace, firemen and persons gainfully employed going to and from their places of employment shall remain off the streets and away from public places during the period of the curfew.

(d) Certain businesses and establishments to be closed. The following businesses and establishment shall be ordered closed during the time and term of said curfew:

- (1) Retail and wholesale liquor establishments.
- (2) Gasoline service stations.
- (3) Any establishment selling firearms or ammunition.

(4) All public meeting halls and auditoriums.

(e) Penalty for violation of section. Any person who shall violate any provision of this section, upon conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by a jail sentence not to exceed thirty (30) days or by both such fine and imprisonment.

Boonville

49.08. *Sale of weapons to minors.* No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, dirk, dagger, or any knife not made to open and shut.

Bridgeton

7. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.

Cape Girardeau

18-100. *Sale of weapons to minors; restrictions.* No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger or switch blade knife.

Charleston

12-59. *Selling ammunition to minors.* Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, bowie knife or dagger, shall be deemed guilty of a misdemeanor.

Columbus

7.1500. *Weapons—Carrying concealed; delivering to minors.* If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or * * * shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Crestwood

53.09. *Sale of firearms or ammunition to minors.* No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.

El Dorado

19. If any person within the corporate limits of the city * * * having upon or about his person any kind of firearms, bowie knife, dirk, dagger, sling shot, or other deadly weapon * * * shall directly or indirectly sell or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine

of not less than fifty or more than one hundred dollars.

Fulton City

18-8. *Sale, etc., of deadly weapons to minor.* No person within the city shall sell, deliver, loan or barter to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, Bowie knife, dirk, dagger, or any knife not made to open and shut.

Jefferson City

1268. *Sale of pistols, knives and cartridges to children, prohibited.* Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open and shut, shall be deemed guilty of a misdemeanor.

Joplin

38.132. *Weapons—Sale, etc., to minor of firearm, air gun, etc.* It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, or any air rifle, air gun or similar gun from which shot, pellets, bullets, or projectiles can be fired.

Kansas City

26.181. *Sale of firearms to minors.* No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, or air gun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

26.186. *Machine guns.* (a) Possession prohibited. Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars (\$500.00) or by both such fine and imprisonment.

(d) Definition. The term "machine gun," as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

Kirkville

46. *Carrying deadly weapons, etc.* If any person within the city of Kirkville * * * having upon or about his person any kind of fire arms, bowie-knife, dirk, dagger, slung-shot, or other deadly weapon, * * * shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed three months.

Lee's Summit

24-9. *Dangerous and deadly weapons.* If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any schoolroom or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any courtroom during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under militia law of this state, having upon or about his person, concealed or exposed, any kind of firearms, bowie knife, springback knife, razor, metal knucks, billy, sword cane, dirk, dagger, slung shot or other similar deadly weapons or shall, in the presence of one or more persons, exhibit any such weapons in a rude, angry or threatening manner, or shall have any such weapon in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be guilty of a misdemeanor; provided, that nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

Monroe City

4.3. *Sale of Pistols, Knives, and Cartridges to children prohibited.* Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie-knife, dirk, dagger, or any knife not made to open and shut shall be deemed guilty of a misdemeanor.

Poplar Bluff

22.440. If any person shall, within the limits of this City, * * * having upon or about his person any kind of firearms, bowie knife, dirk, dagger, slugshot or other deadly weapon, * * * shall directly or indirectly sell or deliver, lend or barter to any minor any such weapon, shall, upon conviction, be punished by a fine of not less than Fifty nor more than One Hundred Dollars, or by imprisonment in the City Jail not less than five days nor more than three months, or by both such fine and imprisonment.

Sikeston

9-206. *Dangerous or deadly weapons.* (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any dangerous or deadly weapon without the written consent of such minor's parent or guardian.

Springfield

26-10. * * * *Sale of weapons to minors.* No person shall * * * sell or deliver, loan or barter to any minor any * * * weapon without the consent of the parent or guardian of such minor.

Stanberry

Sale of firearms etc., to children prohibited. Any person within the city who shall sell to any child under age of sixteen years, without consent in writing of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open or shut shall be deemed guilty of a misdemeanor.

St. Joseph

14-55. *Machine guns.* Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as herein defined, shall be guilty of a misdemeanor.

The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

Wentzville

7-504. *Offenses against public safety.* No person in the city shall:

2. (e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

MONTANA

State Law

REV. CODE OF MONTANA

11-957. *Fire hazardous manufacturing—firearms—concealed weapons.* The city or town council has power: To regulate, restrain, or prevent the carrying on of manufacturing dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, and carrying of concealed weapons.

69-1901. *Definitions.* The term "explosive" or "explosives" whenever used in this act shall be held to mean and include any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

69-1902. *Prohibitions and exceptions.* No person shall manufacture, have, keep, or store explosives in this state, except in compliance with this act, except that explosives may be manufactured without compliance with this act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction.

It shall be unlawful to sell, give away, or otherwise dispose of, or deliver to any person under eighteen (18) years of age any explosives, whether said person is acting for himself or for any other person.

69-1919. *Existing ordinances not affected.* Nothing contained in this act shall affect any existing ordinance, rule or regulation of any city or municipality not less restrictive than this act governing the manufacture, storage, and sale of explosives, or affect, modify, or limit the power of cities or municipalities in this state to make ordinances, rules, or regulations not less restrictive than this act, governing the manufacture, storage, sale, use, or transportation of explosives within their respective corporate limits.

94-3101. *Definitions.* "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a

magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

94-3104. *Presumption of possession or use for offensive or aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreignborn person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in section 94-3108 and has not been registered as in said section required; or

(d) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

94-3106. *Exceptions.* Nothing contained in this act shall prohibit or interfere with: 1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94-3108. *Registration of machine guns now in state and hereafter acquired—presumption from failure to register.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state, on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration date shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

94-35-184. *Sale or manufacture of Maxim silencers and various explosives for wrongful use a felony.* Any person who shall make, manufacture, compound, buy, sell, give away, offer for sale or to give away, transport, or have in possession any Maxim silencer, bomb, nitroglycerin, giant, oriental, or thunderbolt powder, dynamite, ballistite, fulgarite, detonite, or any other explosive compound, or any inflammable material, or any instrument or agency, with intent that the same shall be used in this state or anywhere else for the injury or destruction of public or private property, or the assassination, murder, injury, or destruction of any person or

persons, either within this state or elsewhere, or knowing that such explosive compounds or such materials, instruments, or agencies are intended to be used by any other person or persons for any such purpose, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than five years nor more than thirty years, or by a fine of not less than one thousand dollars nor more than twenty thousand dollars, or by both such fine and imprisonment.

94-35-186. *Same—possession presumptive evidence of what.* The possession of any Maxim silencer or bomb of any kind, or chemical compounds intended only for the destruction of life or property, shall be presumptive evidence that the same are intended to be used in the destruction of or injury to property or life, within the meaning of this act.

Deer Lodge

2. It shall be unlawful for any person, firm, co-partnership, Association, or Corporation, to sell to any person under the age of 18 years, BB guns, air rifles, or rifles or firearms unless such person is accompanied by his or her guardian.

NEBRASKA

State Law

NEB. R.R.S.

28-1011.10. *Pistol; person under eighteen, unlawful to possess; exception; violation; penalty.* It shall be unlawful for any person under the age of eighteen years to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the armed forces of the United States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

28-1011.14. *Fugitive from justice, defined.* As used in sections 28-1011.14 to 28-1011.19, fugitive from justice shall mean any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony.

28-1011.15. *Fugitive from justice; firearms; knuckles; possession; unlawful.* It shall be unlawful for any person who has been convicted of a felony, or who is a fugitive from justice, to possess any firearm with a barrel less than twelve inches in length, or brass or iron knuckles. Such felony conviction may have been had in any court of the United States, the several states, territories, or possessions, or the District of Columbia.

28-1011.16. *Fugitive from justice; pistol; receive, possess, sell, lease; unlawful.* It shall be unlawful for any person to receive, possess, sell, or lease, other than by delivery to law enforcement officials, any pistol from which the manufacturer's identification mark or serial number has been removed.

28-1011.17. *Bomb, bombshell, grenade, explosive substance; receive; possess; sell; purchase; manufacture; unlawful; exception.* It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture any bomb, bombshell, grenade, bottle, or other such container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; Provided, that this section shall not apply to military and law enforcement agencies and personnel, and persons, firms, or corporations engaged

in businesses or occupations involving commercial explosives, fireworks, firearms, ammunition, or agriculture, when possession and use is otherwise authorized or permitted by law.

28-1010. *Machine guns; sale unlawful; exceptions; penalty.* It shall be unlawful for any person, firm or corporation, its or their agents or servants, to sell or cause to be sold or otherwise to dispose of any machine gun to any person in the State of Nebraska, except officers of the law, agents of the United States government, or agents of the law enforcement department of the State of Nebraska. If any person, firm or corporation, or its or their agents or servants, violate any of the provisions of this section, they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one thousand dollars nor more than ten thousand dollars.

Beatrice

9-601. *Definitions.* The term "Firearm" as used in this ordinance shall mean and include any type of shot gun, rifle, pistol or revolver. The term "Person" as used in this ordinance shall mean and include any individual, firm, partnership or corporation.

9-605. *Guns, sale, record, reports.* It shall be the duty of any person who shall sell, trade or dispose of any firearm within the corporate limits of the City of Beatrice, Nebraska, to notify in writing the Chief of Police of said city of the sale, trade or disposal of said firearm. Such notice shall contain a description of the firearm, so sold, traded or disposed of, together with the name and address of the person who purchases or acquires the same; said notice shall be delivered to the Chief of Police forthwith after any such sale, trade or disposal of said firearm and, in any event, within twenty four hours thereof.

Hastings

11-511. *Sale to intoxicated persons and minors.* No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

11-511.01. *Records required.* Every person in the City engaged in the sale, rental, or exchange of any weapons * * * shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail.

(1). *Time of recordation.* The record required herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include the name of the person to whom such weapon is sold or from whom such weapon is purchased; his or her age; physical description, occupation, residence, and, if residing in a municipality, the street and number where he or she resides; the make, caliber, and finish of the firearm, together with the number or serial letter thereof, if any; The date of the purchase, sale, rental, or exchange of such weapon; and the name of the employee or other person making such purchase, sale, rental, or exchange.

(2). *Report to Chief of Police.* Every person in the City engaged in the sale, rental, or exchange of any weapons * * * shall deliver daily to the chief of police a copy of such record of every such purchase, sale, loan, or gift.

Lincoln

9.28.115. *Firearm registration.* On or before January 1, 1969, the owner of any firearm located or maintained within the City of Lincoln shall register the possession of such firearm on a form prescribed by the Chief of

Police. The registration shall state the full name, address, age, physical description of the registrant, the kind, description, and serial number of the individual firearm to which it applies, which will not be transferable and shall be carried simultaneously with the firearm and shall be exhibited to any police officer of the City of Lincoln upon his demand for inspection. After January 1, 1969, it shall be unlawful for any person in the City of Lincoln to own or possess any firearm in this city which is not registered as provided herein, or to sell, give or transfer a firearm to another person without first requiring it to be registered as provided herein, and every person arriving in the City of Lincoln who brings with him any firearm of any description shall within 48 hours after arrival register the same as provided herein. The registration of any firearm shall not make lawful the carrying or possession of a firearm if prohibited by any other law. The registration requirement shall not apply to manufacturers, transporters or wholesale or retail sellers of firearms, or to peace officers, wardens, superintendents and keepers of jails and other institutions for the detention of persons accused or convicted of an offense, or to members of the Armed Forces, as to firearms possessed as part of official duties.

9.28.020. *Persons not to be furnished with firearms and weapons.* It shall be unlawful for any person to sell, loan or furnish any firearm to any minor, or to any person under the influence of alcohol, or to any person who has been convicted of a felony within the past five years, or to any person adjudged mentally incompetent, provided that it shall be lawful to sell, loan or furnish shotguns, rifles and .22 caliber pistols of a type commonly used for hunting to a minor eighteen years of age or older not otherwise disqualified as specified herein, and it shall be lawful to loan or furnish shotguns, rifles and .22 caliber pistols of a type commonly used for hunting to a minor not otherwise disqualified as specified herein, for the purpose only of lawful shooting of the same under the direct supervision and control of a person who is 21 years of age or older."

9.28.025. *Report of sale of firearms.* Any person, firm, association or corporation dealing in firearms of any type shall, on the same day of the sale of any firearm, except a shotgun or a rifle of a type commonly used for hunting, report such sale to the police department on forms furnished by the police department.

Omaha

25.53.010. *Possession of an unregistered firearm.* It shall be unlawful for any person to own, have possession of or maintain control over any firearm which has not been registered with the Chief of Police in accordance with this Chapter.

25.53.020. *Confiscation of the firearm.* As a part of the judgment of conviction of any person under this Chapter, confiscation of the firearm may be ordered by the Court.

25.53.030. *Manner of registration.* Any person desiring to register a firearm shall make an application to the Chief of Police stating therein that he (1) is a citizen of the United States of America, (2) is over the age of 21 years and (3) has never been convicted of a felony. The application shall inquire as to any record of mental disorder or misdemeanor convictions of the applicant and the purpose of the applicant for acquiring the firearm.

25.53.040. *Issuance or denial of a permit.* Upon the filing of an application for registration of a firearm, the Chief of Police shall issue a permit or deny a permit and furnish the applicant the specific reasons for the denial in writing. A failure to furnish the applicant a written denial shall constitute issuance of a permit.

25.53.050. *Time allowed to consider an application.* The Chief of Police shall be permitted 7 days in which to consider an application for registration of a firearm. The Chief of Police may take custody of the firearm in the applicant's possession while the application is under consideration whenever he determines that it is in the best interests of public safety to do so.

25.93.010. *Sale of a firearm to a minor.* It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. *Purchasing or renting a firearm.* It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit from the Chief of Police as provided for in this Title.

25.93.040. *Pawning a firearm.* It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

25.93.050. *Report to police of sales and rentals.* Any person engaged in the sale, pawning, exchange, loan, rental or delivery of firearms must preserve and furnish daily to the Chief of Police a record of such transaction indicating the date of the transaction, a description of the firearm, including number, color, make, caliber, and all other identifying marks, and the name, address, age, height, complexion, color of hair, color of eyes, weight, and apparent deformities or peculiarities of the person with whom such transaction was had.

NEVADA

State Law

NEVADA REVISED STATUTES

202.260. *Infernal machines.* 1. It shall be unlawful for any person to manufacture or procure any dynamite machine or device or other device for the destruction of life or property, or to have either of the same in his possession.

2. Any person violating the provisions of this section shall be guilty of a felony.

202.300. *Use of firearms by minor under 14 years.* 1. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of an adult person, any firearm of any kind for hunting or target practice or for other purposes.

2. Every person violating any of the provisions of subsection 1, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

202.310. *Sales of certain firearms to minors under 18 years unlawful.* 1. Any person in this state who sells or barter to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360. *Alien, ex-felon not to possess firearm capable of being concealed on person; penalty.* 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America shall own or have in his possession or under his custody or control any pistol,

revolver or other firearm capable of being concealed upon the person.

4. Nothing in this section applies to or affects:

(a) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed police officers.

(b) Any person summoned by any such officers to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

202.370. *Definitions.* 1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, bilbies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380. *Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions.* 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this State or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390. *Weapon to bear name of manufacturer and serial number; penalty for removal.* 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

2. No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon. Possession of any such weapon upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.

3. Any person who violates any of the provisions of this section is guilty of a gross misdemeanor.

202.400. *Permit for possession, transportation, protective system, to be issued by director of Nevada highway patrol.* 1. It shall be lawful for the director of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the director that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

202.440. *Licenses for retail sale of bombs, weapons; conditions.* The director of the Nevada highway patrol may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, subject to the following conditions, upon breach of any of which the license shall be subject to forfeiture:

1. Such business shall be carried on only in the building designated in the license.

2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons is displayed to the seller and the information herein required is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the director of the Nevada highway patrol.

Carson City

3.20.020. *Sale of dangerous weapons to minors prohibited.* It shall be unlawful for any person, firm or association to sell or dispose of any dirk, knife, sword, cane, billy, slung shot, revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010. *Definitions.* In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

Dealer: The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

Firearms capable of being concealed. The term "firearm capable of being concealed" shall mean any gun, pistol, revolver or other firearm the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives, springs, gas or air, as a means of propulsion.

12.04.020. *Dealing in pistols without permit unlawful.* It shall be unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for

loans, and no such permit shall authorize the leasing of any pistol.

12.04.030. *Business to which pistol permits may be issued.* Applications for pistol permits to buy, sell or accept pistols as security for loans under this chapter, shall be accepted only from hardware stores, gunsmith shops, sporting goods stores, antique gun dealers and pawn shops, licensed by Clark County.

12.04.040. *Application and investigation.* Any person desiring a pistol permit to engage in the business of buying or selling pistols, or of accepting pledges of pistols as security for loans, in the unincorporated area of Clark County, under the provisions of this chapter, shall first make written application to the board of county commissioners, on forms of application prescribed therefor by the office of the sheriff setting out his name, address and other information required, and the business (other than dealing in pistols) intended to be carried on, and expressly requesting the issuance of a pistol permit to deal in pistols at such location. Such application will then be referred to the sheriff for investigation and recommendation, and then returned to the board of county commissioners which may (after considering same in any manner that may appear to them proper), approve or disapprove such application. If disapproved, no pistol permit shall be issued. If approved, the office of the sheriff shall issue a pistol permit to such applicant to deal in pistols at the place named or described, and under the present business license of such applicant.

12.04.050. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism * * *

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

12.04.060. *Prohibited sales and transfer of a pistol.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080. *Time between sale and delivery of pistol.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. When delivered, all pistols must be securely wrapped and be unloaded, and must be accompanied by a receipt signed by the dealer, setting forth the name, address, and description of the purchaser or transferee, a complete description of the pistol (including the manufacturer, model and manufacturer's serial number thereof), the date and time of sale, and the date and time of delivery, of such pistol, and advise to the purchaser or transferee that the pistol must be registered with the sheriff within twenty-four hours.

12.04.090. *Exceptions to Section 12.04.080.* The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.100. *Sheriff to be notified.* A dealer making a sale of a pistol shall, within twenty-four hours thereof, furnish the sheriff with a duplicate copy of the receipt referred to in Section 12.04.080 of this chapter, signed by the dealer and by the purchaser or transferee of such pistol.

12.04.110. *Registration of pistols within twenty-four hours.* Any person receiving title to a pistol, whether by purchase, gift, or any other transfer, and whether from a dealer or from any other person, shall, within twenty-four hours of such receipt, personally appear at the county sheriff's office, together with the pistol, for the purpose of registering the same with the sheriff. It shall be the duty of the sheriff to register the pistol, and he may, and is hereby authorized to cooperate in any manner he sees fit with other law enforcement agencies, and with licensed dealers, relative to registration of pistols, so that efficient registration shall be secured at minimum cost and duplication.

12.04.120. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150. *Sale of homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

12.04.160. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.170. *Unlawful to permit persons under eighteen years to have possession or control of pistol.* It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accom-

panied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice, or other lawful purpose.

12.04.200. *Registration of firearms capable of being concealed.* It is hereby made unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities, of Clark County.

12.04.210. *Unlawful transfer of firearms capable of being concealed.* It shall be unlawful for any person to sell, give away, or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes said weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

8.98.040. *Exchange of weapons to be registered.* It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof with the chief of police, by the seller, giver or person permanently passing possession thereof.

Las Vegas

6-4-1. *Pistol defined.* The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled by means of explosives, springs, gas or air, except any smooth bore pistol designed and manufactured exclusively for propelling BB shot not exceeding .177 caliber by means of springs, gas or air.

6-4-2. *Person defined.* The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3. *Dealer defined.* The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4. *Dealing in pistols without permit unlawful.* It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7. *Sales to certain persons prohibited.* It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

- Who is under the age of 18 years.
- Who is under the influence of intoxicating beverages.
- Who is a fugitive from justice.
- Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.
- Who is an unlawful user or seller of narcotics.
- Who is a member of an association advocating criminal syndicalism as defined in Section 203.180 through 203.190 of the Nevada Revised Statutes.

G. Who is foreign born and not a naturalized citizen of the United States of America.

H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

6-4-8. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9. *Seventy-two hours must elapse between sale and delivery of pistol.* When any sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-10. *Chief of police to be notified.* A dealer making a sale of a pistol shall, within twenty-four (24) hours after the delivery thereof, deliver to the Chief of Police a duplicate copy of the receipt referred to in Section 9 of this Chapter, signed by the dealer and by the purchaser or transferee of such pistol.

6-4-11. *Registration of pistols within twenty-four hours.* Any person receiving title to a pistol, whether by purchase, gift, or any other transfer, and whether from a dealer or from any other person, shall within twenty-four (24) hours of such receipt, personally appear at the police station, together with said pistol, for the purpose of registering the same with the Chief of Police. It shall be the duty of the Chief of Police to register said pistol and he may and is authorized to cooperate in any manner he sees fit with other law enforcement agencies and licensed dealers in effecting registration of pistols to the end that efficient registration will be secured at a minimum of cost and duplication.

6-4-12. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which

the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15. *Sale of home-made pistols prohibited.* No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

6-4-17. *Unlawful to permit persons under 18 years to have possession or control of pistol.* It shall be unlawful for any person to aid or knowingly permit another under the age of 18 years to handle or have in his or her possession or under his or her control any pistol except while accompanied by or under the immediate charge of his or her parent, guardian or responsible adult and while engaged in hunting, target practice or other lawful purpose.

North Las Vegas

7.23.010. *Definitions.* Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this chapter.

Dealer. The term "dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

7.23.080. *Waiting period.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the state of Nevada or any subdivision thereof who is regularly employed and paid by the state or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the chief of police to waive the seventy-two hour waiting period.

7.23.090. *Notification of chief of police.* A dealer or other person making a sale of a pistol shall, within twenty-four hours, notify the chief of police in writing of such sale, giving the name, address and description of the purchaser or transferee, together with the number of the pistol and a complete description thereof and shall notify the purchaser or transferee, at the time of delivery, that the pistol must be registered with the chief of police within twenty-four hours.

7.23.100. *Registration.* Any person receiving title to a pistol, whether by purchase, gift or any other transfer, shall within twenty-four hours of receipt, personally appear at the police station, together with the pistol, for the purpose of registering the same with the chief of police. It shall be the duty of the chief of police to register the pistol and he may cooperate in any manner he sees fit with other law enforcement agencies in effecting registration of pistols

NEW HAMPSHIRE

State Law

N.H.R.S.A. CHAPTER 158

158:19. *Control of explosives.* Whenever in his judgment the common defense of public safety of the state requires such action, the governor is hereby authorized to direct the adjutant general of this state to control the storage, sale, and use of explosives, except small arms ammunition, for the purpose of preventing such explosives from endangering the public safety by coming into the possession of unfriendly forces, domestic or foreign, and for the purpose of advising the military, naval, and civil defense authorities of this state of the quantities and location of such explosives for use in the common defense of this state. Upon the governor so directing, the adjutant general is hereby authorized to promulgate regulations requiring dealers to register their stocks and sales of such explosives, and requiring boards of firewards, police officers, or selectmen, as the case may be, to assist in such control measures as he shall institute in the exercise of this authority. No records of the location and amounts of explosives compiled by the adjutant general hereunder shall be deemed public records, but shall be subject to such security classification and restricted to such military, naval, and civil defense uses as the adjutant general, with the approval of the governor and council, may prescribe.

N.H.R.S.A. CHAPTER 159

159:1. *Definition.* Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3. *Possession by aliens; felons.* No unnaturalized foreign-born person, and no person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Whoever violates the provisions of this section shall be imprisoned not more than two years, and upon conviction the pistol or revolver shall be confiscated and destroyed.

159:7. *Permit to purchase.* No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person, or has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever

violates the provisions of this section shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

159:8. *License to sell.* The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the licensee shall be subject to forfeiture:

III. No pistol or revolver shall be delivered to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor to an unnaturalized foreign-born person or a person who has been convicted of a felony unless he has a permit as required by section 7.

159:8-a. *Sales to nonresidents; Attorney General.* No person holding a license issued under the provisions of section 8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the state of his residence.

159:11. *False information.* If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12. *Sale to minors.* Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:13. *Changing marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Whoever violates the provisions of this section shall be fined not more than two hundred dollars, or imprisoned not more than one year, or both.

N.H.R.S.A. CHAPTER 571

571:23. *Ammunition furnished to minors.* Any person who shall sell, barter, hire, lend or give to any minor under the age of sixteen years any cartridges or shot shells suitable for discharge in any rifle, pistol, revolver or shotgun shall be fined not more than one hundred dollars or imprisoned not more than three months or both. This section shall not apply to fathers, mothers, or guardians of such minor children.

to the end that efficient registration will be secured at a minimum cost and duplication.

723:110. *Satisfactory pistol identification required.* It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the chief of police, in which case the means of identification shall be noted upon the registration card.

723:120. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof.

(b) Is a fugitive from justice.

(c) Is an unlawful user or seller of narcotics.

(d) Is an habitual drunkard.

(e) Is a member of an organization advocating criminal syndicalism * * *.

(f) Is foreign born and not a naturalized citizen of the United States of America.

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

723:130. *Prohibited sales and transfers of pistols.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages.

(b) Is mentally ill or disturbed.

(c) Is under eighteen years of age.

(d) Is a person prohibited from purchasing a pistol as provided in Section 723:120.

723:150. *Sales of foreign made pistols.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

723:160. *Homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

723:170. *Condition of pistols sold.* All secondhand and used pistols except antique pieces, sold or purchased shall be in a safe, operable condition.

723:200. *Blank cartridge pistols prohibited.* Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers, is prohibited.

Ormsby County

The Board of County Commissioners of Ormsby County do ordain:

1. The commission of any act, or the failure to perform any act, in Ormsby County outside of the limits of incorporated cities and towns within Ormsby County, which is made a misdemeanor by laws of the state of Nevada, is hereby declared to be and shall constitute a misdemeanor under this ordinance of Ormsby County.

(NOTE: Ordinance No. 1967-5 incorporates N.R.S. c. 202, title 16, sections 202.250 through 202.440 as part of the Ordinances of Ormsby County, Nevada.)

NEW JERSEY

State Law

N.J. STATS. ANN.

2A:151-1. *Definitions.* The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

b. Pistol or revolver includes any firearm with an over-all length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with over-all length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States pharmacopoeia.

2A:151-2. *Pawnbrokers not to deal in weapons.* Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5, laws of 1952 (C. 2A:151-62), stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded in wool filings, razor blades imbedded in wool slivers, handcuffs, iron claws, grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151-5. *Additional sentence for armed criminals.* Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5 of the laws of 1952 (C. 2A:151-62), razor, stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded in wool filings, razor blades imbedded in wood slivers, handcuffs, iron claws, grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punish-

ment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151-8. *Persons not to have firearms or dangerous instruments.* Any person, having been convicted in this state or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a narcotic or nonnarcotic drug or who is registered as a narcotic drug offender under chapter 230 of the laws of 1952 (N. J. S. Cum. Supp. 2A:169A), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction of a crime which in said state, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

2A:151-9. *Sale of weapons to certain persons forbidden.* Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151-10. *Sale of weapons and explosives to minors; exceptions.* Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive instrument, or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151-11. *Unlawful acquisition of firearms or explosives by minors; exceptions.* Any person under the age of 18 years who purchases, barter, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive, except a firearm as provided in section 2A:151-33, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151-12. *Manufacture or sale of dangerous instruments prohibited.* a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any dangerous instrument of the kinds usually known as a sling shot, slung shot, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, knife as defined in chapter 5 of the laws of 1952 (C. 2A:151-62), stiletto, grenade, bomb, or other explosive, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filing, razor blades imbedded in wood slivers, to any person, except in accordance with federal or state law is guilty of a misdemeanor.

2A:151-14. *Silencers forbidden.* Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151-15. *Altering serial number, etc., of firearm; sale.* Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151-18. *Antiques and ornaments excepted.* This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

2A:151-24. *Conditions.* d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person;

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. The certification shall be retained by the dealer and shall for law enforcement purposes be made available for inspection by regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staffs authorized by them, and members of the state police.

2A:151-28. *Duplicate copies to be delivered.* Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent, legible copies of the entries in the register on the duplicate copies of the register forms. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

2A:151-32. *Permit and purchaser identification card required.* A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151-33, and shall contain his name, address and firearms purchaser identification card number of dealer's registration number, and which shall be retained by the seller as provided in section 2A:151-24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151-33. *Permit to purchase; identification card; who may obtain.* No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any person addicted to narcotics, or who is a habitual

user of goofballs or pep pills, to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151-34. *Permit or identification card; issuance.* The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent in all other cases shall, upon application, issue to any person qualified under the provisions of section 2A:151-33, a permit to purchase a pistol or revolver or a firearms purchaser identification card.

2A:151-36. *Granting of permit; identification card; fee; validity.* The application for the permit to purchase a pistol or revolver, or for the firearms purchaser identification card, together with a fee of \$2.00 shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 10 days from the date of receipt of the application for residents of this state and within 15 days for nonresident applicants. A permit to purchase a pistol or revolver shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid permanently or until such time as the holder becomes subject to any of the disabilities set forth in section 2A:151-33, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority.

2A:151-39. *Number of weapons permitted.* A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in section 2A:151-32B for each transaction.

2A:151-48. *False representations in applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a pistol, revolver, or other firearm, or in completing the certificate or any other instrument required by this act in purchasing or otherwise acquiring delivery of any rifle, shotgun, pistol, revolver or other firearm, is guilty of a high misdemeanor.

2A:151-49. *"Machine gun or automatic rifle" defined.* The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the

weapon, mechanism or instrument and fired therefrom.

2A:151-50. *Sale, purchase or possession of machine guns; penalty.* Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151-51. *Exceptions to section 2A:151-50.* Section 2A:151-50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151-52. *License to procure machine gun; application; reference and approval; issue of license.* Any person who desires to purchase, have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. Upon the application being presented to the judge, he shall refer it to the sheriff of the county or to the chief police officer of the municipality in which the applicant resides, for his investigation and approval. If the application is approved by the sheriff or chief police officer, the judge may issue a license under his hand and the seal of the court to the applicant to purchase, have and possess a machine gun or automatic rifle, for his own protection and for the protection of his servants and employees.

A:151-55. *False representations in permit applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a permit to purchase or possess a machine gun or automatic rifle, or in purchasing or otherwise acquiring delivery thereof, is guilty of a high misdemeanor.

2A:151-58. *Possession or carrying of bombs.* Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151-59. *Possession of bombs with intent to use unlawfully; as evidence of intent; exceptions.* Any person who has in his possession or control any shell, bomb or similar device charged or filled with 1 or more explosives, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the state prison for not more than 25 years.

The possession or control by a person of any such device so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular armed forces of the United States or its allies, or to the duly authorized militia of any state or territory thereof, or to the police or fire departments of this state or any municipality or county thereof, provided they are acting within their official capacity and in the performance of their duties; nor does this section apply to explosives while being transported upon vessels or railroad cars in conformity with the regulations adopted by the interstate commerce commission.

2A:170-17. *Persons possessing ammunition, explosive missiles, fuses, etc., to notify police; presentation for inspection.* Any person who has or becomes the possessor of any ammunition, explosive missile, shell, projectile, fuse designed for use with any weapon, or other explosive weapon, which is loaded or as to which it cannot be determined by casual inspection whether or not it is loaded, except such as is possessed for any lawful commercial or other purpose in connection with which the use of explosives is authorized, or is suitable for use in a pistol, revolver, shotgun or rifle, shall notify the police authorities of the municipality in which he resides or the state police that the same is in his possession and shall present the same to them for inspection.

Irrington

22-13. *Firearms—Air rifles, etc., Discharging in town.* * * * No person shall discharge or use any air rifle, air gun, spring gun, sling shot, bow and arrow, shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the town.

22-14. *Same—Parents, etc., not to purchase for minors under sixteen or permit such minors to purchase, possess.* * * * No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, * * * any of the articles or guns or devices described in section 22-13.

Kenilworth

1. Except as hereinafter excepted, no person shall discharge or use any air rifle, air gun, spring gun, slingshot, bow and arrow, shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

Manasquan

I. No person or persons shall use, shoot, fire, discharge, or otherwise employ any firearm defined in 2A:151-1 of the Revised Statutes of New Jersey, or any weapon or device in the nature of an air or spring gun or pistol, carbon dioxide, or compressed air gun or pistol, or any other device which employs as a propelling force a spring, elastic band, carbon dioxide, compressed or other gas, vapor, or compressed air, and which is capable of ejecting any bullet, pellet, or missile whatsoever, with sufficient force to injure a person.

II. No person shall possess, carry, sell, exchange, store or retain any firearm or other device as defined in Section I hereof, except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Millburn

25-1-7. *Regulations concerning minors; responsibility of father or guardian.* No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, or other instrument of any kind known as a black-jack, slingshot, billy, sand-club, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, or any instrument or weapon commonly known as a toy pistol in or upon which any

loaded or blank cartridges may be used, or any loaded or blank cartridges for any such pistol. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, toy pistol or other firearm, or any instrument or weapon in which any loaded or blank cartridges may be used, * * *.

Prospect Park

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Sea Girt

1. *Definitions.* a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

b. The term firearm or firearms shall also include without limitation any firearm which is in the nature of a air gun, spring gun or pistol, carbon dioxide or compressed air gun or pistol or any other device which employs as a propelling force a spring, elastic band, carbon dioxide, compressed or other gas, vapor or compressed air, and which is capable of ejecting any bullet, pellet or missile whatsoever with sufficient force to injure a person.

3. No person shall possess, carry, sell, exchange, store or retain any firearm or other device as defined in Section 1 hereof, except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

NEW MEXICO

State Law

No relevant state statutes.

Alamogordo

5-6-4. *Transactions with minors.* It shall be the responsibility of each person or firm who buys, sells or loans money on second-hand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

F. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Artesia

21.36. *Sale of firearms to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Las Vegas

3-4. *Deadly weapons—Furnishing or selling to minors.* It shall be unlawful for any person to furnish, sell, or offer for sale any firearm, blackjack, metallic knuckles, switch-bladed knife, or knife with a blade over two

and one-half inches in length, or other deadly weapon, to any person under the age of sixteen years.

Lovington

17.19. *Furnishing minors.* No person shall sell, lend or furnish to any minor, below the age of sixteen, any gun, pistol or other firearm, within the city. Nor shall any person in the city sell or give to any minor below the age of sixteen any cartridges of fixed ammunition of which any fulminate is a component part.

Santa Fe

15-31. *Weapons—Furnishing firearms, etc., to persons under sixteen.* It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, air gun or slingshot within the city.

NEW YORK

State Law

NEW YORK CONSOL. LAWS (McKINNEY'S)
PENAL LAW

265.00. *Definitions.* As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person.

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any pistol or revolver. Gunsmith shall not include a wholesale dealer.

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver. Dealer in firearms shall not include a wholesale dealer.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk a county judge of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun

shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

265.05. *Possession of weapons and dangerous instruments and appliances.* 1. Any person who has in his possession any bomb, bombshell, firearm, silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use is guilty of a class D felony.

2. Any person who has in his possession any firearm which is loaded with ammunition, or who has in his possession any firearm and, at the same time, has in his possession a quantity of ammunition which may be used to discharge such firearm is guilty of a class D felony. Such possession shall not, except as provided in subdivision three of this section, constitute a felony if such possession takes place in such person's home or place of business.

3. Any person who has in his possession any firearm, gravity knife, switchblade knife, billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

4. Any person under the age of sixteen years who has in his possession any of the weapons, instruments, appliances or substances specified in the first three subdivisions of this section, or any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun, or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife, shall be adjudged a juvenile delinquent.

5. Any person not a citizen of the United States who has in his possession any dangerous or deadly weapon other than those prohibited to him in the first two subdivisions of this section is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

6. Any person who has in his possession a rifle or shotgun and who has been convicted anywhere of a felony or any one of the misdemeanors or offenses mentioned in section five hundred fifty-two of the code of criminal procedure is guilty of a class A misdemeanor.

Note: The pertinent provisions of section five hundred fifty-two of the code of criminal procedure referred to in subsection 6 of 265.05, above, are as follows:

4. (a) The following offenses defined in the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions six and eight of section seven hundred and twenty-two of such former penal law; violations of sections four hundred eighty-three, four hundred eighty-three-b, four hundred eighty-four-h and article one hundred six of such former penal law; that kind of sodomy or rape which was designated as a misdemeanor; violation of section seventeen hundred forty-seven-d and seventeen hundred forty-seven-e of such former penal laws; any violation of any provision of article thirty-three of the public health law relating to narcotic drugs which was defined as a misdemeanor by section seventeen hundred fifty-one-a of such former penal law, and any violation of any provision of article thirty-three-A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section

seventeen hundred forty-seven-b of such former penal law.

(b) The following offenses defined in the penal law: Illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; that kind of loitering defined in subdivision three of section 240.35; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortifacient articles; permitting prostitution; promoting prostitution in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.

8. Any person who knowingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

265.20. *Exemptions.* a. Sections 265.05, 265.10 and 265.15 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in section 265.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, and peace officers as defined in section one hundred fifty-four of the code of criminal procedure.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

2. Possession of a machine-gun, firearm, switchblade knife, gravity knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00.

4. Possession of a rifle or shotgun by a person who has been convicted as specified in section 265.05, subdivision six to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

400.00. *Licenses to carry, possess, repair and dispose of firearms.* 1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or any one of the misdemeanors or offenses mentioned in section five hundred fifty-two of the code of criminal procedure; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than

twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a pistol or revolver shall be issued to (a) have and possess in his dwelling by a householder; (b) have and possess in his place of business by a merchant or storekeeper; (c) have and carry concealed while so employed by a messenger employed by a banking institution or express company; (d) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefor by such commissioner, warden, superintendent or head keeper; and (e) have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof.

3. Applications. Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he is a citizen of the United States, whether or not he complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. In case of a license as gunsmith or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of formation, and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

6. License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not

otherwise limited as to place or time of possession, shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that (a) the firearms covered by such license are being transported by the licensee in a locked container; and (b) the trip through the city of New York is continuous and uninterrupted. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued.

7. License: form. Any license issued pursuant to this section shall, except in the city of New York, be approved as to form by the superintendent of state police. A license to carry or possess a pistol or revolver shall have attached the licensee's photograph, and a coupon which shall be removed and retained by any person disposing of a firearm to the licensee. Such license shall specify the weapon covered by calibre, make, model, manufacturer's name and serial number, or if none, by any other distinguishing number or identification mark, and shall indicate whether issued to carry on the person or possess on the premises, and if on the premises shall also specify the place where the licensee shall possess the same. If such license is issued to an alien, or to a person not a citizen of and usually a resident in the state, the licensing officer shall state in the license the particular reason for the issuance and the names of the persons certifying to the good character of the applicant. Any license as gunsmith or dealer in firearms shall mention and describe the premises for which it is issued and shall be valid only for such premises.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall possess the same. If such license is valid under this section to carry or possess the same, or proof of lawful authority as a peace officer or other exempt person pursuant to section 265.20. The licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department or unit, in the case of an exempt person. The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer. In the event of cancellation or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to the licensing officer in the city of New York and county of Nassau, and elsewhere in the state to the executive department, division of state police.

NEW YORK CONSOL. LAWS (McKINNEY'S) LABOR LAW

451. Definitions. Whenever used in this article: 1. "Explosives" means gunpowder, powders used for blasting, high explosives,

blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder and any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion, but shall not include gasoline, kerosene, naphtha, turpentine, benzene, acetone, ethyl ether and benzol. Fixed ammunition and primers for small arms, fire-crackers, safety fuses and matches shall not be deemed to be explosives when, as may be determined by the board in its rules, the individual units contain any of the above-mentioned articles or substances in such limited quantity, of such nature and so packed that it is impossible to produce an explosion of such units to the injury of life, limb or property.

10. "Dealer" means any person engaged in the business of buying and selling explosives.

11. "Issuing authority" means any officer of the state or its civil or political subdivisions who is authorized to issue any certificate or license, the issuance of which is provided for in this article.

458. Licenses and certificates. 1. No person shall purchase, own, possess, transport or use explosives unless a license therefor shall have been issued as herein provided.

Application for such a license shall be made, on forms provided by the commissioner, to the city, town or village clerk where the applicant resides or where the explosives are to be used or stored. The city, town or village clerk, where he finds that the applicant has complied with the requirements of this article and the rules of the board, shall issue a license or renewal thereof, which shall be valid for one year from the date of issuance. Such application and each renewal thereof shall be accompanied by a fee of fifty cents which shall be retained by the city, town or village.

2. No person shall manufacture, deal in, give or dispose of explosives unless a license therefor shall have been issued by the commissioner as herein provided, nor shall any person sell, give or dispose of explosives to, or manufacture explosives for any person who does not hold a license as provided by subdivision one of this section, except that a person licensed as a manufacturer or dealer in explosives may sell, give or dispose of explosives to a non-resident who is duly licensed in the state of his residence and who shall forthwith transport such explosives to the state of his residence. Possession and transportation within this state by such non-residents shall conform to the laws of this state and rules of the board, except that the requirements of subdivision one of this section for a license therefor issued by this state shall not apply.

NEW YORK CONSOL. LAWS (McKINNEY'S) VILLAGE LAW

89. General powers of the board of trustees. 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

130. Town ordinances. 5. Fire prevention. Regulating the erection of buildings where extrahazardous business is to be carried on and the carrying on of such business: Regulating the attendance in public buildings and the use of aisles as standing room for spectators and the erection of fire escapes on all public buildings: Regulating the construction and use of all heating systems and devices employing heat or fire or conducting smoke for any purpose: Establishing fire limits and prohibiting the erection of frame buildings or structures therein:

Preventing and extinguishing fires and regulating conduct thereat: Regulating the use, sale, storage and transportation of firearms, fireworks, explosives and inflammables or prohibiting the use, sale, storage and transportation of any of them: * * *

NEW YORK CONSOL. LAWS (McKINNEY'S) GENERAL MUNICIPAL LAW

209-m. Outside service by local police; civil disturbance control. 6. a. Notwithstanding any inconsistent provision of law, general or special, in the event of natural disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any local government, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive officer thereof that the public safety is imperilled thereby, such chief executive officer may proclaim a state of emergency within any part or all of the territorial limits of such local government. Following such proclamation and during the continuance of such state of emergency, the chief executive officer may promulgate the following orders to protect life and property or to bring the emergency situation under control. Such orders may, within any part or all of the territorial limits of such local government, provide for:

(6) the regulation and control of the possession, storage, display, sale, transport and use of firearms, other dangerous weapons and ammunition;

(7) the regulation and control of the possession, storage, display, sale, transport and use of explosives, and flammable materials and liquids.

New York City

436-5.0. d. Sale of toy-pistols. It shall be unlawful for any person to sell or dispose of to a minor any toy-pistol or pistol that can be loaded with powder and ball or blank cartridge to be exploded by means of metal caps; but nothing herein contained shall apply to the sale or disposal of what are known as firecracker pistols, torpedo pistols or such pistols as are used for the explosion of paper caps.

e. Tear gas; sale or possession of. 1. It shall be unlawful for any person to manufacture, sell or offer for sale, possess or use, or attempt to use, any lachrymating, asphyxiating, incapacitating or deleterious gas or gasses, or liquid or liquids, or chemical or chemicals, without a permit issued by the police commissioner under such regulations as he or the council may prescribe; nor shall any person manufacture, sell or offer for sale, possess or use any weapon, candle, device, or any instrument of any kind designed to discharge, emit, release or use any lachrymating, asphyxiating, incapacitating or other deleterious gas or gasses, or liquid or liquids, or chemical or chemicals, without a similar permit, similarly issued, except that the members of the police department in the line of duty may possess or use any such gas, liquid or chemical.

436-6.0. Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns. Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be

fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, cleaning, polishing, engraving, or tracing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, pistol or revolver, except such person employed by any agency of government of the city, state, or nation, or employed in the repair or adjustment of arms for the United States military forces or any subdivision thereof. Gunsmith shall not include a wholesale dealer.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436-6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436-6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436-6.3. *Licensing of dealers in rifle and shotguns.* * * * c. Any person licensed as a dealer in rifles and shotguns shall keep a record book approved of as to form by the control board. In the record book shall be entered at the time of every transaction involving a rifle or shotgun the date, name, and rifle and shotgun permit number of any person from whom a rifle or shotgun is received, or to whom a rifle or shotgun is sold or delivered, the certificate of registration number, and the caliber, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such rifle or shotgun. Before delivering a rifle or shotgun to any person the dealer shall require him to produce a valid rifle and shotgun permit, or proof of lawful authority as a police or peace officer, or exempt person as defined in this chapter.

436-6.6. *Permits for possession and purchase of rifles and shotguns.* It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or
2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same condi-

tions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436-6.9. *Certificates of registration.* a. It shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

e. Disposition of rifles and shotguns—No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1.—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition.

2.—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436-6.10. *Exemptions.* The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision

at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436-6.11. *Sale and purchase of ammunition.* At any time after one year from the effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or

shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

NOTE: Effective date is February 13, 1968.
436-6.13. *Identifying marks.* a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

Rochester

47-5. *Rifles, guns, revolvers and dangerous instruments.* A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is compressed air, compressed gas, a spring or any elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.

NORTH CAROLINA

State Law

N.C.G.S.

14-315. *Selling or giving weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane or slingshot, he shall be guilty of a misdemeanor.

14-316. *Permitting young children to use dangerous firearms.* (a) It shall be unlawful for any parent, guardian, or person standing in loco parentis, to knowingly permit his child under the age of twelve years to have the possession, custody or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, except when such child is under the supervision of the parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a

misdemeanor, and upon conviction shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty days.

14-402. *Sale of certain weapons without permit forbidden.* It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger, slung-shot, blackjack or metallic knucks.

It shall be unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee, within the State of North Carolina any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucks without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same, the permit from the sheriff as provided in § 14-403. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than six months, or both, in the discretion of the court.

14-403. *Permit issued by sheriff; form of permit.*—The sheriffs of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in this article from any person, firm, or corporation offering to sell or dispose of the same.

14-409. *Machine guns and other like weapons.* It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, sub-machine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shot-guns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or sub-machine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five

hundred (\$500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

Franklinton

1(e) During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew to possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosive, firearms, ammunition, or dangerous weapon of any kind.

Mount Holly

1. *State of emergency: Curfew authorized.* (e) During the existence of a proclaimed state of emergency the Mayor (of the City of Mt. Holly) may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.

NORTH DAKOTA

State Law

N.D.C.C. CHAPTER 62

62-01-01. *"Pistol" defined.* "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-02. *Committing crime when armed—Punishment.* Any person who shall commit or attempt to commit murder, manslaughter, except manslaughter arising out of the operation of an automobile, kidnapping, mayhem, assault to do great bodily harm, or any other aggravated assault, robbery, burglary, extortion, larceny, or possessing burglar's instruments, buying or receiving stolen property, aiding escape from prison, or unlawfully possessing or distributing habit-forming narcotic drugs, when armed with a pistol, may be punished by imprisonment for not more than ten years in addition to the punishment provided for the crime.

62-01-04. *Who not to possess pistols.* The following persons shall not own a pistol or have one in their possession or under their control: 1. A person who has been convicted anywhere of committing or attempting to commit any of the crimes mentioned in section 62-01-02;

2. A person who is under the age of seventeen years or who is a drug addict or a habitual drunkard.

62-01-05. *Carrying pistols prohibited—Exceptions.* Except as otherwise provided in this section no person without a license shall carry a pistol, either openly or concealed, in any vehicle or on or about his person, save on his own land, in his own abode or fixed place of business, or on a target range. This prohibition, however, shall not apply to:

1. Marshals, sheriffs, prison or jail wardens or their regularly employed deputies, policemen, or other law-enforcement officers of any state or political division thereof;

2. Members of the armed forces of the United States when on duty or when going to or from duty;

3. The members of the national guard, organized reserves, or state guard organizations, when on duty or going to or from duty;

4. Officers or employees of the United States duly authorized to carry a pistol;

5. Any person engaged in manufacturing, repairing, or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business;

6. Any common carrier; or

7. Any person permitted by law to possess a pistol while carrying such pistol unloaded

and in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair, or back to his home or place of business, or in moving from one place of abode or business to another.

62-01-09. *Regulation of sales of pistols.* No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or
2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol, and the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol. The person transferring the pistol, within seven days after such transfer, shall sign and attach his address to and forward by registered or certified mail the original statement signed by the person obtaining the pistol to the secretary of state, the duplicate to the chief of police of the city, marshal of the village, or sheriff of the county of which the person so transferring the pistol is a resident, and he shall retain the other copy for six years. This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

62-01-11. *Selling pistol to minors prohibited—Penalty.* Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.

62-01-12. *Prohibited transfers.* No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than 30 days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-14. *Dealers' licenses—By whom granted and conditions thereof.* Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture:

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol;

62-01-16. *False information prohibited:* No person, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, shall give false

information or offer false evidence of his identity.

62-01-17. *Prohibited alterations in pistols.* No person shall change, alter, remove, or obliterate any mark of identification on a pistol, such as the name of the maker, model, or manufacturer's number. Possession of any pistol upon which any such identification mark has been changed, altered, removed, or obliterated shall be evidence sufficient to justify a court or jury in finding that the possessor has violated the provisions of this section.

62-01-19. *Antique pistols.* This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old nor to the transportation of such pistols unloaded and in a bag, box, or securely wrapped package, but not concealed on the person.

N.D.C.C. CHAPTER 62-02

62-02-01. *Definitions.* The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. *License required.* No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-05. *License—Provisions—Records.* The license shall permit the licensee to purchase, sell, have or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases for his own protection and for the protection of his servants and employees. It shall contain a description of the gun or rifle licensed, including the name of the manufacturer, the number and caliber of the weapon, or if the license is for a bomb, an accurate description thereof together with any identifying marks thereon. The license shall be issued in duplicate and the district judge shall send the duplicate copy to the superintendent of criminal identification, who shall file and preserve the same in his office as a permanent record.

62-02-06. *Penalty for selling, delivering, or possessing machine gun, automatic rifle, submachine gun, or bomb.* Any person who shall sell, give, loan, furnish, deliver, purchase, have, or possess any machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or any bomb loaded with explosives or poisonous or dangerous gases, without a license, shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not more than ten years or by a fine of not more than three thousand dollars, or by both such fine and imprisonment.

62-02-07. *Persons exempt from provisions of this chapter.* The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

N.D.C.C. CHAPTER 62-04.

62-04-01. *Use and sale of "silencer" prohibited—Penalty.* Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ninety days nor more than six months, or by both such fine and imprisonment. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62-04-05. *Manufacture, use, and sale of blank cartridge firearms and firecrackers prohibited.* Any person who manufactures, uses, sells, or keeps for sale within this state any blank cartridge pistol, blank cartridge revolver, or other blank cartridge firearm, or blank cartridge caps containing dynamite, or firecrackers exceeding more than three inches in length and one-half inch in diameter, is guilty of a misdemeanor.

Mandan

6-0403. *Blank cartridges, pistols, etc.; manufacture, use, and sale of.* No person shall manufacture, use, sell, or keep for sale within the city of Mandan any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite, or firecrackers exceeding three inches in length and exceeding one-half of an inch in diameter.

Minot

8-0103(2) (e). *Sales to intoxicated persons and minors.* No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Valley City

8-9. *Pistol defined.* The term "pistol" means any firearm having a barrel less than twelve inches long.

8-10. *Authority for article; applicability.* This article is declared to be an exercise of the police power directly affecting and designed to promote the peace, safety, good order, health, morals and well-being of the people of the city, and adopted pursuant to section 62-01-14 of the North Dakota Century Code. This article shall apply to all territory within the city and to such outlying contiguous territory without the city within which the city might exercise police jurisdiction as defined by law.

8-13. *Weapons—Conditions of issuance.* (c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol.

(d) A true record, in triplicate, shall be made of every pistol sold such record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model and manufacturer's number of the pistol, and the name, address and occupation of the purchaser.

OHIO**State Law****OHIO REV. CODE (PAGE'S) TITLE 7**

715.60. *Regulation of explosives.* Any municipal corporation may regulate the transportation, keeping, and sale of gunpowder and other explosives or dangerous combustibles and materials, and provide or license magazines therefor.

OHIO REV. CODE (PAGE'S) TITLE 29

2903.05. *Sale of toy pistols to minors under sixteen years.* No person shall sell or exhibit for sale, to a minor under sixteen years of age, a pistol manufactured of a metallic or hard substance, commonly known as a "toy pistol" or an air gun, or any form of explosive gun.

2903.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

2907.021. No person shall possess the materials for the manufacture of fire bombs with the intention of using such materials for the manufacture of fire bombs.

No person shall manufacture, distribute, possess or use fire bombs.

For purposes of this section, a "fire bomb" means a container containing gasoline, kerosene, fuel oil, or similar substance with a flash point of one hundred seventy degrees fahrenheit or less, having a wick or other device capable of igniting such liquid, but no device commercially manufactured and used for the purpose of illumination shall be deemed to be a fire bomb.

Nothing in this section shall prohibit the authorized manufacture, use, or possession of any material, substance, or device by a member of the armed forces of the United States, firemen, or law enforcement officers; nor does this section prohibit the manufacture, use, or possession of any material, substance, or device to be used solely for scientific research, educational purposes, or for any lawful purpose.

2923.03. *Definition of machine gun.* As used in sections 2923.04 to 2923.06, inclusive, of the Revised Code:

(A) Machine gun, light machine gun, or submachine gun is any firearm which shoots, or is designed to shoot, automatically, or any firearm with a bore and chamber greater than .22 caliber which shoots, or is capable of shooting, more than eighteen shots semi-automatically without reloading.

(B) As used in this section:

(1) "Automatically" means that class of firearms which, by a single function of the trigger on the firearm, continues to fire successive shots and delivers sustained fire for relatively long periods.

(2) "Semiautomatically" means that class of firearm which, by a single function of the trigger, discharges one shot only, no manual reloading operation being necessary between successive shots.

(3) "Firearm" means any weapon which is designed to expel a projectile or projectiles by the action of an explosive.

2923.04. *Permit for possessing firearms; requirements.* No person shall own, possess, transport, have custody of, or use a shotgun with barrel less than eighteen inches in length, or rifle with a barrel of less than sixteen inches in length, or shotgun or rifle with an overall length of less than twenty-six inches, or machine gun, light machine gun or submachine gun, unless he first procures a permit therefor from and at the discretion of the adjutant general, or having

such permit, use or consent to the use by another of such weapon in an unlawful manner. The adjutant general shall keep a complete record of each permit so issued. A separate permit shall be obtained for each gun so owned, possessed, or used. The adjutant general shall require each applicant for such permit to give an accurate description of such weapon, the name of the person from whom it is to be obtained, the name of the person to have custody thereof, and the place of residence of the applicant and the custodian. Before obtaining such permit each applicant shall give bond to this state, to be approved by the adjutant general, in the sum of five thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapon while under the control of such applicant or under the control of another with his consent; and any person injured by such improper use may have recourse on said bond. This section does not affect the right of the national guard of Ohio, state highway patrol, sheriffs, regularly appointed police officers of municipal corporations, regularly elected constables, wardens and guards of penitentiaries, jails, prisons, penal institutions, or financial institutions maintaining their own police force, and such special officers as are authorized to possess and use such weapons when on duty.

2923.05. *Sale of machine gun.* No person shall sell, barter, or give to another a machine gun, light machine gun, or submachine gun, without first requiring exhibition of the permit provided by section 2923.04 of the Revised Code, and using the information contained in such permit to make a complete record of such transaction, containing the date of the permit and of the transfer together with the names of the parties thereto, which record shall be preserved by such transferor for a period of five years.

Whoever violates this section shall be imprisoned not less than one nor more than five years.

2923.06. *War trophies.* Sections 2923.03 to 2923.05, inclusive, of the Revised Code do not apply to captured war trophies which are kept for museum purposes and which are in un-serviceable condition.

2923.25. *Restrictions for sale or transfer of firearms; record of transaction.* No person shall sell, barter, or give to another a shotgun with barrel less than eighteen inches in length, or rifle with a barrel of less than sixteen inches in length, or shotgun or rifle with an overall length of less than twenty-six inches, or machine gun, light machine gun, or submachine gun, without first requiring exhibition of the permit provided by section 2923.04 of the Revised Code, and using the information contained in such permit to make a complete record of such transaction, containing the date of the permit and of the transfer together with the names of the parties thereto, which record shall be preserved by such transferor for a period of five years.

OHIO REV. CODE (PAGE'S) TITLE 37

3743.01. *Definitions.* As used in sections 3743.01 to 3743.26, inclusive, of the Revised Code: (A) "Explosive" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion; that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

3743.02. *Prohibitions and exceptions.* No person shall sell, give away, or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, whether said person is acting for himself or for any other person.

3743.51. *Falsification prohibited.* No person shall obtain or attempt to obtain any explosives by the use of a false name, or the giving of a false address, or giving a false age or by stating a false purpose for the purchase of any explosives.

Akron

369.01. *Definitions.* (a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(e) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which or one of the purposes of which, is the establishment, control, conduct, seizure, or overthrow of the Government of the United States or of any state or political subdivision thereof, by the use of force, violence, military measures, or threats of one or more of the foregoing. (Ord. 982-1957, Passed 10-29-57.)

369.02. *Possession restricted.* (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within this City.

(b) No person who is a member of a subversive organization shall possess a firearm within this City.

(c) No person under the age of eighteen shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia, or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(d) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in paragraph (c) above.

369.03. *Removal of serial numbers.* No person shall receive, possess, sell, lease, or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

369.05. *Sales, transfers and displays, regulated.* (b) No person shall sell, lease, lend, or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard or a member of a subversive organization.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

Alliance

557.02. *Permit required to purchase or exchange certain weapons.* No person shall buy, purchase or obtain in exchange any revolver,

pistol, bowie knife, dirk or other weapon of like character having a blade more than three inches in length without first having obtained a permit from the Police Chief to make such purchase or exchange.

557.04. *Delivery of permit to seller; monthly returns.* The permit issued by the Police Chief * * * shall be delivered by the applicant to and retained by the person selling such weapon. The person selling such weapon shall preserve and retain all permits and shall, on the first day of each and every month, deliver to the Police Chief all the permits collected in accordance with which any weapons have been sold.

557.05. *Selling to person without permit to purchase.* No person shall sell, exchange or offer for sale or exchange any weapon described in Section 557.02, except to a person who has first obtained a permit therefor from the Police Chief.

Ashtabula

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

549.01. *Definitions.* As used in this chapter, certain words are defined as follows:

(a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but does not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(e) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

549.02. *Possession restricted.* (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(b) No person who is a member of a subversive organization shall possess a firearm within the City.

(c) No person under the age of eighteen shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(d) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age, except as provided in subsection (c) hereof.

549.03. *Nonserialized pistols.* No person shall receive, possess, sell, lease or otherwise

transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

549.05. *Sales, transfers and displays regulated.* (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this chapter, shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

549.08. *False information prohibited.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in subsections (a) and (b) of Section 549.02, or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Avon Lake

587.06. *Sale of weapons.* No person shall sell, barter, furnish or give to a minor under the age of eighteen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Bedford

547.08. *Weapon dealers; license required.* No person shall engage in the business of selling, or sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so. No person having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

547.10. *Report of gift or sale.* Every person who is permitted to deal in the deadly weapons described in Section 547.08 shall make out and deliver to the Chief of Police of the City, once a month on the last day of the month, a legible and correct report of every sale or gift made under authority of such license during the preceding calendar month's time, which report shall contain the date of such sale or gift, the name of the purchaser or donor, with his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's permit and the purposes given by such person for the purchase of such weapon, which report shall be substantially in the following form:

Number of permit	Kind or description of weapon
Number of weapon	For what purpose purchased
Name of purchaser	Price
Address of purchaser	
Age of purchaser	

547.12. *Limitation on purchase and sale.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person who:

(a) Has been convicted and sentenced for any felony or other crime other than traffic misdemeanors;

(b) Constitutes a suspicious person or is a vagabond, vagrant or transient;

(c) Is under twenty-one of age;

(d) Refuses or neglects to give information to the seller as required by law.

It shall be the duty of the seller of the aforesaid weapons, as a condition of his permit, to obtain the information required by

this chapter in affidavit form, and have such form signed and sworn to before a notary public by such applicant on three copies, one to be delivered to the purchaser at the time of sale, the second to be delivered to the Chief of Police as required by Section 547.10 and the third to be kept by the seller for a period of not less than six months.

It shall be the duty of the seller of the aforesaid weapons as a condition of his permit to display a copy of this section and the penalty in a conspicuous place.

No holder of a permit as required by Section 547.08 shall, sell one of the weapons named in Section 547.08 without first obtaining the information in proper affidavit form as required herein. Failure to comply with these regulations shall be grounds for revocation of the permit license.

Bowling Green

587.06. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor. * * *

Cambridge

529.03. *Sale of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm or ammunition therefor, * * *

Canton

527.02. *Permit required to purchase or exchange.* It shall be unlawful for any person to buy, purchase, or obtain in exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first having a permit from the chief of police to make such purchase or exchange.

527.06. *Selling to person without permit to purchase.* It shall be unlawful for any person to sell, exchange, or offer for sale or exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, except to a person who has first obtained a permit therefor from the chief of police.

527.09. *Furnishing or permitting minor under seventeen to use firearms, etc.* It shall be unlawful for any person owning or having charge or control of any musket, rifle, shotgun, revolver, pistol or any other firearm, or ammunition therefor, to sell, barter, furnish or give the same to a minor under the age of seventeen years, or knowingly to permit any such weapon to be used by a minor under such age.

Cincinnati

718-1. *Aliens and convicted persons.* It shall be unlawful for any alien or for any person who has been convicted of a felony against the person or property of another, to own or have in his possession or under his control a dangerous weapon.

718-2. *Minors.* It shall be unlawful to sell, barter, lend, or give to a minor under the age of sixteen years, an air-gun, musket, rifle, shotgun, revolver, pistol, or ammunition therefor, Bowie knife, dirk, or any other dangerous weapon, and it shall be unlawful for any minor under the age of sixteen years to buy, barter, hire, borrow, receive, or possess an air-gun, musket, rifle, shotgun, revolver, pistol, or ammunition therefor, Bowie knife, dirk, or any other dangerous weapon.

718-5. *Obliterating identification marks prohibited.* It shall be unlawful to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any dangerous weapon. It shall further be unlawful for any person to keep in his possession or under his control any dangerous weapon upon which

the name of the maker, model, manufacturer's number or other mark of identification has been, to his knowledge, changed, altered, removed, or obliterated.

718-8. *Restriction on pawnbrokers.* If a dealer licensed under the provisions of Section 718-7 carries on the business of pawnbroker or second-hand dealer, it shall be unlawful for him to sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

718-10. *Form of application to purchase dangerous weapon.* The city manager shall prescribe a form of application covering the purchase of dangerous weapons. Such form shall provide for the recording of the following facts:

(a) The name and address of the purchaser;

(b) If the purchaser is not personally known to the dealer, the name and address of the person by whom the purchaser is identified;

(c) The purpose for which the purchaser desires to use the dangerous weapon;

(d) The day and hour when the purchase is made;

(e) An accurate description of the dangerous weapon, including the name of the maker, model and manufacturer's number;

(f) A description of the purchaser, which shall include his height, weight, age, color of hair, color of eyes, all visible marks and scars on his face and hands, any deformity, and his nationality and race.

There shall be printed on the face or the back of the application such extracts from the city ordinances and from the laws of the state of Ohio, including penalty provisions, as the city manager may deem desirable.

718-11. *Restriction on sale of weapons.* It shall be unlawful for any dealer to sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 718-10. A dealer shall not sell such weapon to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person who is personally known to him. The application shall be executed in triplicate. The dealer shall mail the original of each application to the city manager at the close of each business day. One copy shall be delivered to the purchaser and one preserved in the files of the dealer. The dealer's copies of used application blanks, and all unused application blanks, shall be kept by the dealer so as to be at all times open for inspection by city police officers.

The provisions of Section 718-10 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve inches in length.

Cleveland

11.2301. *Permit to dispose of concealable weapon.* It shall be unlawful for any person, firm, or corporation to engage in selling, or to sell or give away any pistol, revolver, derringer, knife, dirk, or other weapon which can be concealed on the person without first securing a permit so to do.

No person, firm, or corporation having such permit shall sell, barter, trade or give away any such weapon unless the purchaser has first obtained a permit for such purchase.

11.2305. *Permit to purchase concealable weapon.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, knife, dirk, or other weapon which can be concealed on the person without first securing a permit to purchase from the Chief of Police.

Columbus

123.02. *Proclamations.* When a state of emergency has been proclaimed as provided in Section 123.01 of the Codes of the City of

Columbus, Ohio, 1959, any of the officers named therein, acting in accordance therewith, is authorized to issue such proclamations as he deems necessary to protect life and property. Said proclamation may include, but is not limited to, the establishment of curfew prohibiting the sale of beer or intoxicating liquor; prohibiting the sale of firearms; restricting or prohibiting movement into, out of, or within the affected area or areas; or prohibiting or limiting the assemblage of persons.

545.01. *License required; purchase permit.* It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon as provided by C.C. 545.05.

545.02. *License application; fee.* Any person desiring a license authorizing the sale, disposition or redemption, or removal from deposit or pledge, of any of the deadly weapons mentioned in C.C. 545.01 shall make application in writing to the Director of Public Safety, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation, the names and residences of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application, it shall be the duty of the Director of Public Safety to issue a license to the applicant upon his payment to the City Treasurer of the annual license fee of five dollars (\$5.00).

545.05. *Purchase permit applications; exceptions.* It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring such permit. The application shall also contain a recommendation for the issuance of a permit from two persons who shall be known to the Director of Public Safety as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxpayers residing within the City; except no recommendation shall be required where the application is by a United States marshal, a sheriff or the Chief of Police of the City.

In case the application is by a deputy United States marshal, or a deputy sheriff, the approval of his chief officer shall be sufficient recommendation. In case the application is by a regular or special police officer of the City, the approval of the Chief of Police shall be sufficient recommendation. The fee provided by C.C. 545.06 shall not be required for any of the officers listed in this section.

545.06. *Prohibited permittees; fees.* It shall be the duty of the Director of Public Safety to refuse the permit required by C.C. 545.05 to the following persons:

- (a) All persons having been convicted of any crime.
 (b) All vagabonds; and
 (c) All minors.
 Otherwise it shall be the duty of the Director of Public Safety to grant such permit upon the payment of a fee of one dollar (\$1.00).

Cortland

1. That any person not a citizen of the United States and not registered under a similar registration act residing or entering the Village of Cortland be and hereby is required to register with and furnish fingerprints to the Mayor * * *
 2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Cuyahoga Falls

587.05. *Possession of firearms by certain persons prohibited.* (a) Definitions.

- (1) The term "firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.
 (2) The term "pistol" means any firearm with a barrel less than twelve inches in length.
 (3) The term "manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.
 (4) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.
 (5) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which or one of the purposes of which is the establishment, control, conduct, seizure, or overthrow of the Government of the United States or of any state or political subdivision thereof, by the use of force, violence, military measures, or threats of one or more of the foregoing.

(b) Possession Prohibited.

- (1) It shall be unlawful for any person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, to possess a firearm within this City.
 (2) It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within this City.
 (3) It shall be unlawful for any person under the age of eighteen to possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia, or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

587.06. *Sales and transfers regulated.* (a) It shall be unlawful for any person to receive, possess, sell, lease, or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(b) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this chapter, to sell any firearm at

wholesale or retail.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, or a member of a subversive organization.

(d) When delivered all pistols must be securely wrapped and must be unloaded.

(e) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age except as provided in C.O. 587.05.

Dayton

1036-6. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

1038. *Firearms sold to minors.* That it shall be unlawful for any pawnbroker or dealer in firearms in said City to sell any revolver or other pistol, of any kind whatsoever, to any minor or minors.

East Cleveland

545.08. *Sale and purchase of weapons; permits.* No person shall give, sell or offer for sale any pistol, revolver or air pistol to any person without first securing a license to do so from the City Manager. No person, having secured such a license, shall give, sell or offer for sale any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon. The application and form of license shall be established by the City Manager and the application and form of permit shall be established by the Chief of police.

Elyria

721.01. *Permit required for purchases.* It shall be unlawful for any person to purchase in the City any pistol, revolver, bowie knife, dirk, black jack or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

721.03. *Granting permits.* It shall be the duty of the Chief of Police to refuse to grant such permit, to (a) all persons having been convicted of any crime, (b) all vagabonds, and (c) all minors. Otherwise it shall be the duty of the Chief of Police to grant such permit, as provided in this chapter.

721.05. *Sale to persons without permits.* It shall be unlawful for any person to sell any person within the City any pistol, revolver, bowie knife, dirk, black jack or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold shall present to such person selling the same, a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen (15) days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person make and file a report of such sale with the Chief of Police as provided in this chapter.

Englewood

11. *Firearms sold to minors:* It shall be unlawful for any dealer in firearms in said

Village to sell any revolver or other pistol of any kind whatever to any minor or minors.

Euclid

587.06. *Sale of toy pistols and air guns.* No person shall sell to a minor under sixteen years of age a pistol manufactured of a metallic or hard substance commonly known as a toy pistol or air gun, or any other form of explosive gun.

751.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without securing a permit to do so; * * * and no person having secured such a permit, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such.

751.05. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

Fairview Park

532.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

532.05. *Sale of fire arms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this Section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

532.07. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application, the name, address, date of birth, height, weight, complexion and other elements of identification of the person desiring such permit. Such application shall

also contain a recommendation that the permit shall issue, from two persons who shall be known to the Chief of Police as persons of good reputation and residents of the City for at least two years. Said permit shall expire one year from the date of issuance unless revoked.

Findlay

49.5. *No firearms, etc. for minors under seventeen.* It shall be unlawful for any person or persons, in the city, to sell, barter, furnish or give to a minor under the age of seventeen years, a resident of the city, an air-gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Hamilton

729.01. *Record of sale.* It shall be unlawful to sell any firearm, dagger, stiletto, brass or iron knuckles, or billy, unless at the time of such sale the vendor records in a book to be kept for that purpose:

- (a) The name and address of the purchaser;
- (b) The purpose for which the purchase is made;
- (c) The date of such purchase and the hour when such purchase was made;
- (d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;
- (e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and color of his eyes, and any other identifying marks or characteristics;
- (f) A description of the clothing worn by the purchaser;
- (g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and
- (h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. *Sale to minors.* It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

1315.18. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Independence

587.01. *Switch blade knives, brass knuckles, blackjack and other similar weapons.* (b) No person shall manufacture, sell or expose for sale, or carry on or about his person any weapon known or designated as brass knuckles, sawed off shotgun, billy, slingshot, sandbag, blackjack or other weapon of similar character. This section does not apply to any such weapon designated for use by officers of the law.

589.06. *Sale of firearms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearms, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Chief of Police, or provided that said instructor is the parent of the person receiving such instructions.

Ironton

134.3. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, b/b gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner, or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Kent

987.06. *License to sell weapons.* It is unlawful for any person to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license so to do * * *, and no person having secured such a license, * * *, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

987.10. *Application for permit to buy weapons.* It is unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit so to do. Before any such permit is granted an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue from two persons who shall be known to the Chief of Police as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxpayers residing within the City.

Lima

993.05. *Authority of Mayor in case of riot.* When there is, in the opinion of the Mayor a tumult, riot, mob or body of men acting together with the intent to commit a felony or to do or offer to do violence to person or property and resist the laws of the State within the corporate limits or there is reasonable apprehension thereof, the Mayor may issue his proclamation prohibiting the traffic in, sale, giving away or furnishing of firearms, ammunition and explosives to any person within the City. Upon the issuance of the proclamation, it shall be unlawful for any person to traffic in, sell, give away or furnish firearms, ammunition or explosives of whatsoever kind to any person within the corporate limits.

993.06. *Blank cartridge pistols, slingshots.* It shall be unlawful for any person to buy, sell or keep for sale, or to carry about or to give away what is known as the blank cartridge pistol or what is known as the drawback, made from elastic bands and other material and so arranged as to throw missiles, within the corporate limits.

993.07. *Selling weapons to minors.* It shall be unlawful for any person to sell, barter, furnish or give to a minor under the age of seventeen years, an air-gun, B-B gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly to permit it to be used by a minor under such age.

Marysville

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *.

Mayfield Heights

587.01. (b) No person, firm, or corporation, shall give, sell, offer to sell, exhibit for sale, or engage in the business of selling firearms, air guns, or "B.B." guns, knives, or other weapons, ammunition, explosives, or fireworks without first securing a license to do so from the Chief of Police, as hereinafter provided, and no person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the City of Mayfield Heights who has not secured a permit from the Chief of Police to purchase such weapon, in the manner hereafter provided.

587.01 (d) No person, firm, or corporation, shall purchase or acquire by gift, or otherwise, a particular weapon, as defined herein, concealable on the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made therefor to the Chief of Police, on forms to be supplied by him, setting forth therein the name, residence, age, height, weight, and other pertinent information for identification, of the person desiring such permits, including fingerprints, if requested, by the Chief of Police. Such application shall be accompanied by a fee of \$1.00, and upon issuance shall be valid for the purchase of one particular weapon, therein described, and said permit shall be given to, and collected by the seller, and filed with the City of Mayfield Heights in the seller's report of sales of such weapons.

587.01. (e) It shall be the duty of the Chief of Police to refuse such licenses to engage in the business of selling, or to purchase any of the weapons hereinbefore mentioned, to any person who has been convicted of any crime, other than traffic offenses, any vagrant, any suspicious person, or any minor under the age of eighteen years, or any person having violated the provisions of this ordinance or its predecessors during the preceding year.

Reading

I. No person shall sell, barter, furnish, or give to a minor under the age of 17 years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *.

South Euclid

587.01. *License required for sale of weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon.

587.05. *Permit to buy weapon.* No person shall purchase or acquire by gift or otherwise

any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so.

Springdale

§32.2. *Purchaser of firearm to furnish information.* The Mayor shall prescribe a form of application covering the purchase of firearms which form shall provide for recording the following facts:

- (a) The name and address of the purchaser.
- (b) If the purchaser is not personally known to the dealer, the name and address of the person by whom the purchaser is identified.
- (c) The purpose for which the purchaser desires to purchase the firearm.
- (d) The date and hour when the purchase is made.
- (e) An accurate description of the firearm including the name of maker, model, and manufacturer's number.
- (f) A description of the purchaser including height, weight, age, color of hair, color of eyes, all visible marks and scars on face and hands, any visible deformity, and his nationality and race.
- (g) The statement of the purchasers as to whether or not he has been convicted of a felony in any jurisdiction within a period of five years preceding the date of the application.

§32.4. *Sale of firearms to unknown persons and felons.* It shall be unlawful for any dealer to sell firearms to any person at retail, unless such person shall fill out and sign an application blank in triplicate, as provided for in section 32.2, and unless such dealer is either personally acquainted with the purchaser or the purchaser is identified to the dealer by a person acquainted with the dealer and the purchaser. It shall be unlawful for a dealer to sell a firearm to any person who has been convicted of a felony within the previous five years.

Stuebenville

791.01. *License required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase or receive the weapon in the manner hereinafter provided.

791.05. *Application for permit by individual to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application, in writing, shall be made therefor, setting forth in the application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring the permit. The application shall also contain a recommendation that the permit shall issue from two persons, who shall be known to the Chief of Police as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxpayers residing within the City.

791.07. *American citizenship required for sale or purchase of firearms.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the City and no permit shall be issued under the provisions of this

chapter either of sale or to purchase firearms by any person not a citizen of the United States.

Toledo

17-19-1. *Definitions.* 1. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

2. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

3. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm, or corporation, or in addition thereto.

4. "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

5. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

6. "Nonresident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

7. "Minor" means any person under the age of twenty-one years.

17-19-2. *Prohibitions.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

2. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

3. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

4. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17-19-4. *Identification card required.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an

identification card pursuant to Section 17-19-5 of the Toledo Municipal Code.

4. A handgun owner's identification card shall not be issued to any person who is:

- A. A person prohibited by Section 17-19-2 of the Toledo Municipal Code from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;
- B. A minor;
- C. A person convicted of an illegal use or possession of narcotics;
- D. A person with more than one conviction of being drunk and disorderly within one year prior to his application for such identification card;
- E. Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one year prior to his application for such identification card.

17-19-5. *Exemptions.* 1. The requirements of a handgun owner's identification card contained in Section 17-19-4 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

A. Any state of the United States, or any political subdivision, department, or agency of either;

B. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

C. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

D. Nonresidents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17-19-2 or 17-19-4 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the city with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty days only from the date thereof.

E. Nonresidents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

F. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when act-

ing in their fiduciary capacity, and their attorneys.

G. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

H. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States.

2. No person shall purchase or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 17-19-4 of the Toledo Municipal Code knowing such claim of exemption to be false.

17-19-6. *Further prohibitions.* 1. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17-19-4 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-19-5 of the Toledo Municipal Code.

17-19-9. *Records.* 1. Every firearms dealer shall maintain a record of the sale of handguns. Such record of sale shall contain the name of the firearms dealer; the place and date of the sale; the name, address, age and Social Security Number of the purchaser; and shall identify such handgun by manufacturer, model number or name, type, caliber, and serial number. If such weapon does not bear a serial number or is other than a standard model, or has been modified and improved, the record of sale shall give a brief description of the weapon including such information as may be necessary to identify it. The record of sale shall include the serial number of the identification card of the purchaser issued pursuant to Section 17-19-4 of the Toledo Municipal Code, or if the purchaser is a nonresident of Toledo, then such information as is contained in a valid permit, authorization, or identification as may be required by the laws of the residence of the purchaser, or valid permit, authorization or identification issued by the Chief of Police or the sheriff of the place of residence of such purchaser. Each such record of sale shall be signed by the purchaser and the salesman and no sale shall be made unless such identification card or permit is exhibited by the purchaser. In the instance of sales from a wholesale distributor to a dealer the license number of the dealer shall be recorded in lieu of the aforesaid identification card.

2. Every firearms dealer shall, on or before the 5th day of each month, furnish to the Chief of Police a copy of the record of sales of handguns made during the preceding month, and shall make available at all times to the Chief of Police or his duly authorized agents the record of sales of all firearms required to be kept pursuant to the provisions of the Federal Firearms Act. In the case of a wholesale distributor, its records shall be made available at all times in lieu of the foregoing.

3. No firearms dealer or any agent or employee of such dealer shall fail to comply with this section or knowingly cause any

false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

4. As used in this section the term "wholesale distributor" shall be an individual, partnership, or corporation selling only to licensed dealers and not at retail or otherwise to individual consumers.

Wapakoneta

134.03. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Warren

545.04. *Sale of firearms; dealer's license; purchaser's permit.* No person shall engage in the business of selling or sell or give away to any person within the City any pistol, revolver, derringer, blackjack or other weapon of like character, which can be concealed on the person, without securing a license to do so. No person, having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

545.08. *Permit required of purchaser.* No person shall purchase any pistol, revolver, derringer, blackjack or any weapon of like character which can be concealed on the person, without first securing from the Police Chief a permit to do so.

Warrensville Heights

589.01 *Permit to dispose of concealable weapons.* No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such permit shall give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

589.05. *Permit to purchase concealable weapons; application.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made thereof, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue, from two persons who shall be known to the Chief of Police, as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxpayers residing within the City.

589.06. *Duties of chief of police.* It shall be the duty of the Chief of Police to refuse such permit to:

- All persons having been convicted of any crime.
- All vagabonds;
- All minors.

Otherwise, it shall be the duty of the Chief of Police to grant such permit.

Whitehall

114.9. *Sale of firearms to minors.* (a) No person shall sell, barter, furnish, or give to a

minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

114.11. *Regulating the sale of firearms.* No person shall sell or give away to any person within the city any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawn broker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license so to do from the chief of police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required in section 114.12.

114.12. *Regulating the purchase of firearms.* No person shall purchase, redeem, or remove from deposit or pledge any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the chief of police a permit to do so.

Wickliffe

1. *Permit to dispose of concealable weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

5. *Permit to purchase concealable weapons.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made thereof, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation that the permit shall be issued from two persons who shall be known to the Chief of Police as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxpayers residing within the City.

Willowick

1. No minor shall have in his possession a blank cartridge pistol or gun or a blank cartridge therefor, nor shall any person sell, barter, furnish, or give to a minor such a pistol or gun, or a blank cartridge for a blank cartridge pistol or gun.

Youngstown

133.04. *Possession of firearms by aliens.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the city. Any person who violates the provisions of this section, shall for the first offense be fined not less than fifty dollars and not more than one hundred dollars; for the second offense they shall be fined not less than one hundred dollars and not more than two hundred dollars or be imprisoned for not less than thirty days nor more than sixty days, or

both. For a third or subsequent offense they shall be fined not less than two hundred dollars nor more than three hundred dollars and be imprisoned not less than ninety days nor more than six months, or both.

133.05. *License to sell weapons required.* (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the city any pistol, revolver, derringer, bowie knife, dagger, machine gun, bomb, or other weapon of like character, which can be concealed, without securing a license so to do.

(b) It shall be unlawful for any person whether or not licensed under the provisions of this section, to sell or give away or loan to any person under the age of twenty one years any pistol, revolver, derringer, bowie knife, dagger or other weapon of like character, which can be concealed.

133.06. *Report of licensee to police.* Every person who is licensed to deal in the deadly weapons described in section 133.05 shall make out and deliver to the police chief a legible and correct report of every sale or gift or loan made under authority of the license within seventy-two hours of such sale or donation or loan. The report shall contain the date of sale, loan or gift, the name of the purchaser or donee with his address and age, the number and kind, description and price of the weapon, and the purpose given by such person for the purchase of the weapon, and the report shall be in the following form: (Form omitted).

133.09. *Weapon purchaser.* It shall be unlawful for any person to purchase any weapon mentioned in section 133.05 unless he furnishes to the dealer the information required by section 133.06. It shall be unlawful for any person to purchase any weapon for a person under the age of twenty-one or to otherwise give, sell or loan such weapon to a person under the age of twenty-one years.

OKLAHOMA

State Law

OKL. ST. ANN. TITLE 21

1271. *Carrying concealed weapons.*—It shall be unlawful for any person in the State of Oklahoma to carry concealed on or about his person, saddle, or saddle bags, any pistol, revolver, bowie knife, dirk, dagger, slung-shot, sword-cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense.

1272. *Carrying weapons.*—It shall be unlawful for any person in the State of Oklahoma to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, switchblade knife, spring-type knife, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon.

1273. *Selling weapons to minors.* It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated in the two preceding sections.

OKL. SESS. LAWS 1968, C. 125, Pg. 191

1. *Citation.* This Act shall be known and referred to as the Oklahoma Riot Control and Prevention Act.

2. *Definitions.* As used in this Act: "State of Emergency" means an emergency proclaimed as such by the Governor pursuant to Section 3 of the Act.

"Governor" means the Governor of this State or, in case of his removal, death, resignation, or inability to discharge the powers and duties of his office, then the person who may exercise the powers of Governor pursuant

to the Constitution and laws of this State relating to succession in office.

4. *Acts which may be proclaimed prohibited.* (a) The Governor during the existence of a State of Emergency, by proclamation, may, in the area described by the proclamation, which said proclamation shall not cover any part or portion of the State not affected by public disorder, disaster, or riot at the time said proclamation is issued, prohibit:

(3) the manufacture, transfer, use, possession, or transportation of a Molotov Cocktail or any other device, instrument, or object designed to explode or produce uncontained combustion;

(5) the possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business.

Ada

395.60. *Weapons prohibited to certain persons, records.* It shall be unlawful for any Licensee under this Chapter to sell, loan or give away any firearm, knife or other dangerous weapon to a minor, a known drunkard, or any person known to be under the influence of intoxicating liquors or drugs, or to any person who is known as an habitual user of drugs, or to any person who is commonly known to be a "police court character", which is defined to be a person who has been convicted of three or more offenses against the ordinances of this City other than traffic offenses in the police court of this City, or to any person known to have been previously convicted of any felony. Before such firearm, knife or other weapon may be sold, loaned or given to any person, such person's identification shall be determined by such Licensee. A record of the transaction shall be maintained by such Licensee, including a description of the weapon, including the number or other identifying mark that may be thereon, together with the time, name and place of residence (giving street and number if within the City) of the person to whom such item was sold, loaned or given, and the price received therefor, which record shall be kept clean and legible. The record shall be made in ink within one hour of the completion of the transaction and shall not in any manner be altered, obliterated or erased.

Lawton

6-54. *Purchase of pistol: Permit required.* It is unlawful for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Lawton, Oklahoma, without first having obtained a written permit from the police department of the City of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Provided, that regular dealers in such articles may accept such articles without a permit at any time.

6-55. *No sale to person without permit.* No person, firm, or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City of Lawton, Oklahoma, to any person who is not a holder of a written permit from the police department of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm, or corporation deliver a pistol, revolver, or other like firearm to the person to whom it is to be sold or transferred until approved by the police department of Lawton, Oklahoma, in the manner provided hereinafter.

6-56. *Application for permit.* Applications for permits to purchase, receive, or accept any revolver, pistol, or other like firearm

shall be made to the police department of Lawton, Oklahoma, upon blank forms to be provided therefor. Such application shall give the name of the applicant, his age, occupation, place of residence, height, weight, race, nationality, and such other information and evidence of identification, including thumb print, and character as the police department may require. No person applying for such permit shall give false information or offer false evidence of his identity.

6-57. *Persons ineligible for permit; investigation.* It is the duty of the police department of Lawton, Oklahoma, to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such other persons as he has reasonable cause to believe are not of sound mind and discretion and of good moral character. When he has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes, it shall be the duty of the police department to issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty days.

6-60. *Duty of seller.* It shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, to require the holder of such permit to deliver the permit to such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm; and it shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm to deliver such permit to the police department of Lawton, Oklahoma, at the time the report of such sale or gift is made, as provided in this article.

Oklahoma City

9.9.06. *Minors—Firearms and other Weapons.* It shall be unlawful and an offense for any minor to carry, discharge, or use within the city any firearm, flourent rifle, air gun, spring gun, slung shot or * * *. It shall be unlawful to sell any of the above named articles to a minor.

9.9.07. *Minors—Explosives.* It shall be unlawful and an offense for any person, firm or corporation to sell, give, or deliver to any minor within the corporate limits of Oklahoma City, any of the following explosives:

Gun-powder, blasting powder, giant powder, gun cotton, nitroglycerin, dynamite, dynamite caps, or other explosive of a similar character.

9.9.08. *Pistol and revolver defined.* The word "pistol" or "revolver" as used in this ordinance, shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

9.9.09. *Purchase of pistol—Permit required.* It shall be unlawful and an offense for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Oklahoma City without first having obtained a written permit from the Chief of Police of the City of Oklahoma City, authorizing such person to receive or accept such revolver, pistol, or other like firearm.

9.9.10. *Sale to person without permit—Exceptions.* No person, firm or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Oklahoma City to any person who is not a holder of a written permit from the Chief of Police of Oklahoma City authorizing such person to purchase, receive or accept such revolver, pistol or other

like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police of Oklahoma City in the manner provided hereinafter."

9.9.12. *Persons ineligible for permit—Investigation.* It shall be the duty of the Chief of Police of Oklahoma City to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such other persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied after investigation made that the applicant is a suitable person of sound mind and discretion and of good moral character, and that such revolver, pistol or other like firearm is to be used for lawful purposes, it shall be the duty of the Chief of Police to issue such applicant a written permit authorizing him to purchase, receive or accept such revolver, pistol, or other like firearm.

9.9.14. *Sales to be reported.* Every person, firm, or corporation who sells, delivers, or gives to any person in the City of Oklahoma City, except to regular dealers in such articles, any revolver, pistol or like firearm, shall within twenty-four (24) hours after making such sale or gift, make and file with the Chief of Police a legible report, written in the English language, stating therein the date of such sale or gift, the correct name, age, residence, height, weight, color of hair and eyes, nationality and race of such purchaser or donee, and such written report shall also contain the make, kind, description, caliber, model, manufacturer's number, or other marks of identification of such pistol, revolver or like firearm sold or delivered, provided that each day of failure to make such report shall be a separate offense.

9.9.15. *Duty of seller.* It shall be the duty of any person, firm, or corporation who sells, transfers or gives away any pistol, revolver or like firearm, as provided in this ordinance, at the time such sale, gift, or delivery is made to require the holder of such permit to deliver the said permit to such person, firm, or corporation who sells, transfers or gives away any pistol, revolver or like firearm to deliver such permit to the Chief of Police of Oklahoma City, Oklahoma, at the time the report of such sale or gift is made, as provided in this ordinance.

9.9.17. *Antiques.* Nothing contained in this ordinance shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

Shawnee

48-1. *Carrying concealed weapons—Prohibited.* No person shall carry in any way on or about his person or in any vehicle in his custody or in which he may be a passenger any pistol, revolver, Bowie knife, dirk, dagger, slingshot, sword, cane, spear, metal knuckles or any other kind of knives or razors or instruments manufactured or sold for the purpose of defense, except as provided in this chapter.

48-3. *Sale of weapons to minors prohibited.* It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in Section 48-1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars.

48-6. *"Pistol" and "revolver" defined.* The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48-7. *Applicability of article.* Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48-8. *Permit to purchase, receive, etc.—Required.* No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48-9. *Same—Application.* Applications for permits to purchase, receive or accept any revolver, pistol or other similar firearm shall be made to the chief of police upon blanks to be provided therefor, and such application shall give the name of the applicant, his age, occupation, place of residence, height, weight, race, nationality and such other information and evidence of identification and character as the chief of police may require, and no person applying for such permit shall give false information or offer false evidence of his identity.

48-10. *Same—Prerequisites to issuance; issuance.* It shall be the duty of the chief of police to refuse permits for pistols, revolvers and other similar firearms to all persons who have been convicted of a felony under the laws of the state, any other state or the United States, and to all minors, drug addicts, unnaturalized foreign-born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the chief of police is satisfied, after investigation made, that the applicant is a suitable person, of sound mind and discretion and of good moral character, and that such revolver, pistol, or other similar firearm is to be used for lawful purposes, it shall be the duty of the chief of police to issue to such applicant a written permit authorizing him to purchase, receive or accept such revolver, pistol or similar firearm.

48-12. *Sale of pistols, revolvers, etc. (a)* No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

(b) Every person who sells, delivers or gives to any person in the city, except to regular dealers in such articles, any revolver, pistol or similar firearm within twenty-four hours after making such sale or gift, shall make and file with the chief of police a legible report stating the date of such sale or gift; the correct name, age, residence, height, weight, color of hair and eyes, nationality and race of such purchaser or donee; the make, kind, description, caliber, model, manufacturer's number of other marks of identification of such pistol, revolver or similar firearm sold or delivered.

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the re-

quired permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tulsa

418. *Sales permitted—Rules.* All persons trading, selling or offering for sale, any pistol, revolver, dirk, dagger, bowie knife, capable of being carried concealed upon the person, shall at the time any such weapons are sold or delivered, require such person receiving or purchasing such weapon to sign an application for the purchase of such weapon, upon blanks to be furnished by the City of Tulsa to the dealers in weapons of the above description. The said application to purchase shall contain the name, age, sex, occupation, description, place of residence, the time such applicant has resided at such place, and a description of the weapon for the purchase of which such application is made, including the make, calibre and factory number, if any thereon. The dealer selling such weapon shall also, at the time of sale or delivery, require such person to make and leave with such dealer, a record of such purchaser's finger prints, such prints to be made upon suitable blanks to be furnished to such dealer by the said City of Tulsa. It shall be the duty of all dealers handling any of the weapons described in this section, to deliver to the Police Department of Tulsa, on or before the fifth (5th) day of each month, all such applications and finger print records received by such dealer for all sales and deliveries of such weapons made during the preceding month.

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein defined between individuals who are not dealers in such weapons; nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

OREGON

State Law

O.R.S.

166.210. *Definitions.* (1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250. *Unlawful possession of weapons.* (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290, or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or

keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260. *Persons not affected by ORS 166.250.* ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy, or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270. *Aliens and convicts forbidden to possess arms.* Any unnaturalized foreign-born person or any person who has been convicted of a felony against the person or property of another or against the Government of the United States or of this state, or of any political subdivision of this state, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person, or machine gun, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.430. *Licenses to sell at retail.* Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(3) No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is personally known to the seller or presents clear evidence of his identity.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.450. *Obiteration or change of identification marks on firearms.* Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years. Possession of any such firearm upon which the same has been changed, altered, removed or obliterated, is presumptive evidence that the pos-

essor has changed, altered, removed or obliterated the same.

166.460. *Antique firearms excepted.* ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470. *Limitations and conditions for sales of concealable firearms.* No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealer's license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480. *Sale or gift of explosives and firearms to children.* Any person who sells, exchanges, barter or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barter or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barter or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

480.070. *Fire bombs prohibited; exceptions.* (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

Corvallis

41. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor.

Klamath Falls

47-13. *Sale, offering for sale, etc., prohibited.* No person shall sell, offer for sale, or give away, either as the owner or the agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids, to blind, or impair the eyesight, or sicken, or disable a human being. Such gun is hereby declared to be a dangerous weapon.

47-14. *Permit required to carry on person; exception.* No person shall carry or have on or about his person, or in his possession, any weapon described in section 47-13, without first securing a permit from the chief of police of the city or the sheriff of the county, granting him to such privilege; except that duly authorized peace officers, are not included in this section. The chief of police

shall use his discretion in issuing such permits.

Oregon City

6-4-3. *Application; permit to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, bowie knife, dirk or other weapon of like character, which can be concealed upon the person, without first securing from the Chief of Police a permit so to do * * * the provisions set forth in this Section shall not apply to retail dealer's or wholesale dealers in weapons, having an established place of business in the City.

Portland

16-607. *Sale of firearms and ammunition to and their possession by minors.* It shall be unlawful for any person to give, furnish, loan or sell to any minor under eighteen years of age any pistol, firearm or instrument capable of receiving or discharging any cartridge, charge of powder or other explosive or any imitation thereof, or to give, furnish, loan or sell any ammunition to any minor under eighteen years of age to be used in any pistol, firearm or instrument capable of receiving or discharging any ammunition. It shall be unlawful for any such minor to have in his or her possession any such pistol, firearm or instrument or any imitation thereof or any ammunition therefor.

20-3404. *Conditions of license.* Every license issued under the provisions of this article is issued upon the following terms and conditions:

(a) The licensee shall observe all the provisions of the ordinances of the City of Portland, of the laws of the State of Oregon relating to the business of dealing in deadly weapons or firearms; the licensee will not sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe is an alien or who has been convicted of a felony, nor will he sell, deliver, or otherwise transfer any such weapon to any minor under the age of eighteen years.

PENNSYLVANIA

State Law

PENN. STATS. ANN. (PURDON'S) TITLE 18

4626. *Sale of weapons and explosives to minors.* Whoever knowingly and wilfully sells or causes to be sold, to any person under sixteen years of age, any deadly weapon, or knowingly and wilfully sells or causes to be sold to any such minor any cartridge, gunpowder, or other dangerous and explosive substance, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one year, or both.

4626.1 *Sale of starter pistols to minors.* Whoever sells, causes to be sold, gives or furnishes to any person under the age of eighteen years, or whoever being under the age of eighteen years purchases, accepts, receives or possesses, any pistol, commonly referred to as "starter pistol", especially designed to receive and discharge blank cartridges only or similar pistol, is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo imprisonment for not more than one (1) year, or both. Nothing in this section, however, shall prohibit the use of said starter pistols for the purpose of officiating at athletic events, use in dramatic productions, or other similar events.

4628. Uniform Firearms Act—Definitions.

(a) As used in this section:

"Firearm" means any pistol or revolver with a barrel less than twelve inches, any shotgun with a barrel less than twenty-four inches, or any rifle with a barrel less than fifteen inches.

"Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder, rape, mayhem, aggravated assault and battery, assault with intent to kill, robbery, burglary, breaking and entering with intent to commit a felony, and kidnapping.

"Person" includes firm, partnership, association, or corporation; and the masculine shall include the feminine and neuter.

(d) No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

(g) No person shall deliver a firearm to any person under the age of eighteen, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

(h) No seller shall deliver a firearm to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased and a statement that he has never been convicted in this Commonwealth or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief or head of the police force or police department of the city, or the sheriff of the county of the seller's place of business, the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Commissioner of the Pennsylvania State Police, the triplicate he shall retain for six (6) years, and the quadruplicate with the proper signature and address of the seller shall, within six (6) hours after such application, be forwarded by registered mail to the chief or head of the police force or police department of the city or to the sheriff of the county of which the buyer is a resident. This clause shall not apply to sales at wholesale.

(i) No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this section.

(m) No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

(n) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm, upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

(o) This section shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

4629. Traffic in machine guns. Whoever sells, gives, transfers, purchases, owns, or has in possession any machine gun, is guilty of a felony, and on conviction thereof, shall be sentenced to pay a fine not exceeding two

thousand dollars (\$2,000), or undergo imprisonment, by separate or solitary confinement at labor, not exceeding five (5) years, or both.

Nothing contained in this section shall prohibit the manufacture for, and sale of, machine guns to the military forces of the United States, or of the Commonwealth of Pennsylvania, or to any police department of this Commonwealth, or of any political subdivision thereof, nor to the purchase or possession of machine guns by such governments and departments, nor prohibit any organization, branch, camp or post of veterans, or any veteran of any war in which the United States was engaged, from owning and possessing a machine gun as a relic, if a permit for such ownership or possession has been obtained from the sheriff of the county, which permit is at all times attached to such machine gun. Any sheriff, upon application and the payment of a fee of one dollar (\$1.00), may issue permits for the ownership and possession of machine guns by veterans and organizations, branches, camps or posts of veterans, upon production to the sheriff of such evidence as he may require that the organization, branch, camp or post is a bona fide organization of veterans, or that any such veteran applicant is a veteran of good moral character and reputation, and that the ownership and possession of such machine gun is actually desired as a relic.

PENN. STATS. ANN. (PURDON'S) TITLE 34

1311.1002. *Hunting, et cetera, possession of firearms.* It is unlawful for any unnaturalized foreign-born resident to hunt for, or capture or kill, or attempt to capture or kill, or aid or assist in the capturing or killing of, in any manner, any wild bird or wild animal of any description, either game or otherwise, and, to that end, it is unlawful for any unnaturalized foreign-born resident to either own or be possessed of a shotgun or rifle or pistol or firearm of any make or kind.

1311.1003. *Prima facie evidence of violations.* The possession of a shotgun or rifle or pistol or firearm of any make or kind, by an unnaturalized foreign-born resident, shall be prima facie evidence of a violation of the provisions of this article.

PENN. SESS. LAWS 1968, ACT NO. 68, PG. 126

699.12 *Sale of gasoline in glass containers; incendiary devices.* (a)—Whoever sells gasoline in a glass container shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars (\$100) or to undergo imprisonment not exceeding thirty (30) days.

(b) Whoever owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "Molotov cocktail," shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment not exceeding one (1) year, or both. For the purposes of this section, the term "incendiary device" means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type. The provisions of this section shall not apply to authorized personnel of the United States government, the Commonwealth of Pennsylvania, or any of its political subdivisions who use incendiary devices as part of their duties.

Abington

Sale or furnishing weapons to persons under the age of eighteen years. 2. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle, air rifle or air gun of any description in the Township of Abington, shall upon conviction thereof in a summary proceeding, be sen-

tenced to pay a fine not exceeding fifty dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Bellevue

1. That it shall be unlawful for any person or persons, firm or any corporation to sell, within the Borough of Bellevue, any flourent rifle, air gun, spring gun or any implement which impels with force a metal pellet of any kind, and the sale thereof is hereby expressly prohibited.

Clifton Heights

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or discharge and/or to use or discharge within the limits of the BOROUGH OF CLIFTON HEIGHTS any air gun, air pistol, spring gun, or pistol, starter guns, blank guns, beebe guns, sling shots or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bonafide dealer therein.

Marcus Hook

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell any device known as air rifles, B. B. guns, or guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

Philadelphia

10-814. Acquisition or transfer of firearms.

(1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Department. Department of Licenses and Inspections.

(2) Prohibited conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(4) License. (a) No license shall be issued unless the Police Department, after due investigation, approves the application.

(5) Duty of transferor or vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section.

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be

obtained for the sale or transfer, as provided herein.

Rockledge

1. It shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to sell, offer or expose for sale within the limits of the Borough of Rockledge to any minor child under the age of eighteen years any flobert rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind.

2. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to deliver possession of any flobert rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind to any minor child under the age of eighteen years within the Borough limits of the Borough of Rockledge.

3. * * * It shall be unlawful, and it is hereby prohibited for any person, persons, firms or corporations to sell any such implement within the Borough of Rockledge unless within twenty-four hours of each and every such sale, such person, firm or corporation making said sale shall file a report thereof containing a description of the implements sold and serial numbers and identifying marks, if any, and the name and address and age of the person to whom sold with the Police Department of the Borough of Rockledge.

4. It shall be unlawful and it is hereby prohibited for any person or persons being a minor child under the age of eighteen to have in his or her possession for any purpose whatever within the Borough limits of the Borough of Rockledge of any flobert rifle, air gun, air pistol, spring gun or any implement which impels with force a pellet of any kind, and any such implement or instrument being in the possession of any child under the age of eighteen is hereby declared to be a public nuisance and a public danger and confiscated, and the Police Department of the Borough of Rockledge is hereby directed and commanded to seize and confiscate any such instrument or implement being in the possession within the Borough limits of said Borough of any minor child under the age of eighteen years.

Scranton

1. The Council of the City of Scranton ordains that for the purpose of preventing the carrying of concealed deadly weapons and the commission of other crimes and breaches of the peace, it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) slung-shot handy-billy, dirk-knife, or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor accompanied by payment of a fee of \$1.00 to the Superintendent of the Bureau of Police for the use of the City of Scranton. Said application shall set forth the reasons why such purchase or acquisition is desired and such other information as said Superintendent may require. If said Superintendent shall deem such application well grounded and such applicant to be of good moral character, he shall grant a non-transferable permit, which shall be signed by the applicant in the presence of said Superintendent or his duly authorized representative.

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon

of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

4. It shall be the duty of the person selling or otherwise disposing of any such weapon, before delivering the same, to take possession of such permit, observe the signing thereof by the holder, and fill in the date and description of the weapon with the number thereof, if any, and to file said permit with the Superintendent of the Bureau of Police within ten days after delivery of such weapon.

Shamokin

52-4. Purchase, sale or discharge of fireworks, etc., prohibited; exception. From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any firecrackers, rockets, squibs, guns, pistols or other firearms or fireworks of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Springfield

The Board of Commissioners of the Township of Springfield does ordain: Whoever knowingly and wilfully sells or causes to be sold or supplies or furnishes to any minor person any rifle, air rifle or air gun of any description or ammunition or pellets for the same, or bow and arrows, or shotguns, guns or any firearm or weapon from which a shot or other object is discharged by an explosive force, in the Township of Springfield shall upon conviction thereof in a summary proceeding before a Justice of the Peace, be sentenced to pay a fine not exceeding \$50.00 and in default of the payment of fine and costs, shall be sentenced to imprisonment in the County Jail not exceeding ten days.

Swissvale

3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

Upper Darby

1. That it shall be unlawful, and it is hereby prohibited, for any person, persons, firms or corporations to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or use or discharge within the limits of the Township of Upper Darby any air gun, air pistol, spring gun or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona-fide dealer therein.

1. That Ordinance No. 838, entitled as above, be and the same is hereby amended and supplemented by including in Section 1 thereof starter guns and blank guns.

Whitehall

2. It shall be unlawful for any person, firm, partnership or corporation within the corporate limits of the Township of Whitehall, Lehigh County, Pennsylvania, to sell, offer for sale, barter, furnish, procure, use or store, firearms, rockets, powder, fireworks or any mixture or compound of an explosive character or any dangerous combustible material.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be

sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.

RHODE ISLAND

State Law

R.I.L. TITLE 11

11-13-3. Sale of fulminate cartridges or contrivances to minors. No person shall sell to any child under the age of fifteen (15) years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate. Nothing in this section shall authorize the sale of any blank cartridge except as provided in § 11-13-5. Every person violating the provisions of this section shall be fined not less than ten dollars (\$10.00) nor more than twenty dollars (\$20.00) for each offense.

11-13-4. Toy canes or devices for firing blanks. No person or persons shall sell, expose for sale, or have in his or their possession with intent to sell or use, or shall discharge or use, within this state, any repeating toy cane for discharging any explosive, any toy pistol or any other toy device designed or used for the discharge of blank cartridges.

11-13-8. Delivery or transportation of unmarked explosives or inflammable substances. Every person who shall knowingly deliver or cause to be delivered to any person or carrier any box, can or other package of nitroglycerine, gunpowder, naphtha or other equally inflammable and explosive substance, material or fluid, not marked with a plain and legible label describing its contents, or who shall remove or cause to be removed any such label or mark, or who shall carry or cause to be carried on any vessel, car or vehicle operated in the transportation of passengers by a common carrier, which vessel, car or vehicle is carrying passengers for hire, any box, can or other package of nitroglycerine, gunpowder, naphtha, gun cotton or substance or material containing gun cotton, or any other equally inflammable and explosive material, substance or fluid, shall be fined not more than ten thousand dollars (\$10,000) or imprisoned not more than five (5) years.

11-47-2. Definition of terms. When used in §§ 11-47-1 to 11-47-56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" shall include any weapon which shoots automatically and any weapon other than twenty-two (22) caliber rim fire which shoots more than fourteen (14) shots semi-automatically without reloading.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent

of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

11-47-5. *Possession of arms by person convicted of crime of violence or who is a fugitive from justice.* No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm.

11-47-6. *Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard.* No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s). If said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11-47-7. *Possession of pistol or revolver by alien.* No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11-47-8. *License required for carrying pistol—Possession of machine gun.* No person shall, without a license therefor, issued as provided in §§ 11-47-11 and 11-47-12, carry a pistol or revolver in any vehicle or conveyance or on or about his person whether visible or concealed, except in his dwelling house or place of business or on land possessed by him or as provided in §§ 11-47-9 and 11-47-10, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter. Every person violating the provisions of this section shall, upon conviction, be punished by imprisonment for not more than one (1) year and one (1) day.

11-47-20. *Sale or possession of silencers.* It shall be unlawful within this state to manu-

facture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one (1) year and one (1) day.

11-47-21. *Restrictions on possession or carrying of explosives or noxious substances.* Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bomb-shell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11-47-23. *False information in securing pistol or license.* No person shall in purchasing or otherwise securing delivery of a pistol or revolver or in applying for a license to carry the same, give false information or offer false evidence of his identity. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-24. *Alteration of marks of identification on firearms.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same. Violation of the provisions of this section may be punished by imprisonment for not more than one (1) year and one (1) day.

11-47-25. *Antique firearms and collections.* Sections 11-47-1 to 11-47-56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms as curios, souvenirs, or for educational, scientific or any similar purpose without intent to use such firearms.

11-47-30. *Sale of firearms to minors.* It shall be unlawful within this state for any person to sell any firearm to any person under fifteen (15) years of age.

11-47-31. *Sale of ammunition to minors.* It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under fifteen (15) years of age.

11-47-32. *Possession of ammunition by minor.* Except as provided in § 11-47-33, it shall be unlawful within this state for any person under fifteen (15) years of age to possess and use ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm.

11-47-33. *Possession of firearms by minors.* It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in § 11-47-34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11-47-34. *Firearms permits to minors.* The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie evidence of such person under fifteen (15) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11-47-35. *Sale of concealable weapons.* No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver.

(APPLICATION FORM OMITTED)

The seller shall on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of said application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7) days be sent by him by registered mail to the attorney-general. The seller shall retain the original copy duly receipted by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to check the applicant's record to ascertain whether he falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If after the lapse of seventy-two (72) hours from twelve o'clock noon of the day following application, no disqualifying record has been received from the investigating police authority by the seller, he will deliver the firearm applied for to the applicant. Upon the finding of no record that would disqualify the applicant under the provisions of the above cited sections of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. The provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11-47-39.

11-47-37. *Delivery to minors and others forbidden.* No person shall deliver a concealable firearm to any person under the age of twenty-one (21) or to one who he has reasonable cause to believe falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

East Providence

20-12. When used * * * the following words and phrases shall be construed as follows:

Firearm. The term "firearm" shall include any machine gun, pistol, air rifle, air pistol, "blank gun", "BB gun", so called, or other instrument from which steel or metal projectiles are propelled, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon.

Machine Gun. The term "machine gun" shall include any weapon which shoots automatically and any weapon other than twenty-two caliber rim fire which shoots more than fourteen shots semi-automatically without reloading.

Pistol. "Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length, less than twenty-six inches, but shall not include any pistol without a magazine or any pistol or revolver designed for the use of blank cartridges only.

20-14. No person shall sell or offer to sell any rifle, gun, pistol, air gun, spring gun, sling shot or similar contrivance arranged to discharge missiles to any person under the age of twenty-one years.

SOUTH CAROLINA

State Law

S.C. CODE

16-1388. *Selling, etc., weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way transfer to a minor any pistol or pistol cartridge, brass knucks, bowie knife, dirk, loaded cane or slingshot he shall be guilty of a misdemeanor. Any person being the parent or guardian of or attending in loco parentis to any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of or use in any manner whatever any gun, pistol or other dangerous firearm, whether such firearm be loaded or unloaded, or any person who shall knowingly furnish such child any firearm shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

16-121. *Machine gun defined.* For the purpose of this article the words "machine gun" apply to and include all firearms commonly known as machine rifles, machine guns and submachine guns of any calibre whatsoever capable of automatically discharging more than eight cartridges successively without reloading in which the ammunition is fed to such gun from or by means of a clip, disk, belt or other separable mechanical device.

16-123. *Storing, keeping or possessing.* It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession, except as hereinafter provided, any machine gun or firearm commonly known as a machine gun.

16-124. *Selling, renting or giving away.* It shall be unlawful for any person to sell, rent or give away or be interested, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun.

16-125. *Exceptions.* The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns from the United States or from this State and the

members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, State constable, member of the highway patrol, railway policeman, warden, superintendent, head keeper or deputy of any State prison, Penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun may possess machine guns when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns kept for display as relics and which are rendered harmless and not usable.

16-126. *Application for permission to keep; registration and permit.* Every person permitted by § 16-125 to possess a machine gun and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, immediately after such election, shall file in the office of the Secretary of State on a blank to be supplied by the Secretary of State on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, description including sex, race, age, weight, height, color of eyes and color of hair, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun which he possesses or desires to possess. Thereupon, the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State and shall expire on December thirty-first of the year in which the license is issued.

16-129. *Definitions.* When used in this article: (a) "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or

threats or attempts of any of the foregoing. (f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

16-129.2. *Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols.* It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

16-129.5. *Giving false information in applying for license.* No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

66-4. *Regulation of sale of explosives.* No person shall sell, deliver or dispose of dynamite or similar powerful explosives, except ordinary gunpowder, unless such person knows the purchaser or the person to receive such explosive and is satisfied that the explosive is not to be used for killing fish, and then only upon a written application from the person desiring to purchase, stating the purpose for which he desires to use such explosives.

Anderson

1. When used in this Ordinance: (a) Pistol means any firearm designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearms generally recognized or classified as antique, curiosity, or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "Dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "Crime of Violence" means murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "Fugitive from Justice" means any person who has fled from or who

is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "Subversive Organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which is the establishment, control, conduct seizure or overthrow of the Government of the United States or any State or Political Subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "Conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeit of bail.

3. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the City of Anderson any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the Several States, Commonwealths, Territories, possessions or the District of Columbia, or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or Reserve, National Guard, State Militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by Order of a Circuit Judge or County Court Judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any Police Officer, or by any prosecuting officer of this State, or sua sponte, by the Court, but any person who shall be the subject of such application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c), or (d) of this Section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Charleston

49-2. *Possession, sale, etc., of tear gas bombs, etc.* It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Rock Hill

25-36. *Sale restricted.* No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

SOUTH DAKOTA

State Law

S.D. CODE

13.1606. *Sale of dynamite or explosives; exception; record required: Misdemeanor.* No person shall sell any dynamite or other high explosive, except ordinary gunpowder, to any

person unknown to the seller unless introduced by some person known to the seller, and on every sale the seller shall, before delivery, make entry on a book kept for that purpose stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is required, and the name of the person, if any, who introduced the purchaser. Any person failing to comply with this section shall be guilty of a misdemeanor.

13.1610. *Unlawful use or permission to use firearms, persons under fifteen: Penalty.* It shall be unlawful for any person under the age of fifteen years to have or use any kind of firearm without the knowledge and consent of his parent or guardian. It shall be unlawful for any parent or guardian having legal charge or control of a person under fifteen years of age to permit such minor to have or use while loaded, any firearm, in or within one mile of the platted portion of any city or town. Any parent, guardian, or minor violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty dollars.

21.0101. *Definitions.* "Pistol", as used in this chapter, means any firearm with barrel less than twelve inches in length; "Crime of Violence", as used in this chapter, means any of the following crimes or an attempt to commit any of the same, namely: murder, manslaughter, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, kidnapping, and larceny; "Person", as used in this chapter, includes firm, partnership, association, or corporation.

21.0104. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

21.0108. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

21.0109. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Secretary of State; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

21.0111. *Dealers' licenses, by whom granted and conditions thereof.* The duly constituted licensing authorities of any city, town, or political subdivision of this state, may grant licenses in forms prescribed by the Secretary of State effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the following conditions in addition to those specified in section 21.0109 hereof, for breach of any of which the license shall

be forfeited and the licensee subject to punishment as provided in this chapter:

(3) No pistol shall be sold (a) in violation of any provisions of this chapter, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity;

21.0113. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

21.0114. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

21.0115. *Exceptions.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

21.0201. *Definitions.* "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely: murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association, or corporation.

21.0202. *Presumption of purpose from possession of machine gun: Conditions.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found; or

(2) When in the possession of or used by an unnaturalized foreign born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in section 21.0206 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

21.0204. *Exceptions from chapter provisions: Military purposes; scientific purposes; small caliber guns.* Nothing contained in this chapter shall prohibit or interfere with:

(1) The manufacture for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; (2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; (3) The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber for a purpose manifestly not aggressive or offensive.

21.0206. *Registration by owners.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the Secretary of State on the effective date

of this law and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Secretary of State and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address, and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purposes.

TENNESSEE

State Law

T.C.A. TITLE 39

39-4901. *Carrying dangerous weapons—Penalty.* Any person who shall carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife or other knife of like form, shape or size, sword cane, ice pick, sling shot, blackjack, brass-knucks, spanish stiletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon, shall be guilty of a misdemeanor.

39-4904. *Selling or disposing of dangerous weapons.* It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any knife or other prohibited weapon mentioned in § 39-4901; and the person guilty thereof, for each knife or other prohibited weapon shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and be imprisoned in the county jail not less than one (1) month nor more than six (6) months, such jail sentence to be in the discretion of the trial judge. Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed

with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business.

39-4905. *Selling or giving weapons to minor—Penalty.* Any person who sells, loans, or gives to any minor a pistol, bowie knife, dirk, hunter's knife, or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor, and shall be fined not less than one hundred dollars (\$100) and be imprisoned in the county jail, in the discretion of the court.

Chattanooga

25-10. *Dangerous weapons—Sale.* It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, dirk, large knife or brass knucks; provided, that this section shall not apply to the sale of regular army and navy pistols.

Nashville

41-2-1. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; house-breaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

41-2-2. *Persons to whom firearms not to be sold, loaned or otherwise transferred.* It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

41-2-3. *Persons forbidden to possess firearms.* It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug ad-

dict or an habitual drunkard, to possess a firearm within the urban services district. It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

41-2-4. *Stolen firearms.* It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

41-2-5. *Obliteration, removal or alteration of manufacturer's identification mark or number.* It shall be unlawful for any person to obliterate, remove, change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number, unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or defaced at the time of purchase.

41-2-8. *Notice of sale of pistols by manufacturer or dealer; pistols to be delivered wrapped and unloaded.* Each licensed manufacturer or dealer shall transmit to the chief of police, by United States mail, within twenty-four hours, a notification of all sales of pistols made at retail. When delivered, * * * all pistols shall be securely wrapped and shall be unloaded.

41-2-9. *Sale, lease or transfer to persons under twenty-one.* No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

41-2-10. *False information * * * in purchasing firearm.* * * * No person shall give false information concerning his name and address or offer false evidence of his identity when purchasing a firearm.

TEXAS

State Law

TEX. PENAL ANN. (VERNON'S)

489. *Sale of weapon to minor.* 1. Whoever shall knowingly sell, or offer for sale, give or barter, or cause to be sold, given or bartered to any person within this State, a switch blade knife, spring blade knife or throw blade knife, or knuckles made of metal or any hard substance shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200) or be imprisoned in jail for a period of time not to exceed one (1) year or by both such fine and imprisonment. It shall be a defense to this Act if such switch blade knife, spring blade knife or throw blade knife shall be an antique bought and sold by collectors of such items.

This Act shall not apply to antique or curio firearms which were manufactured prior to 1898 and which may have, as an integral part, a folding knife blade or other characteristics of items prohibited by this Act.

2. Whoever shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor a pistol, dirk, dagger, slung shot, blackjack, hand chain, night stick, pipe stick, sword cane, spear, bowie knife or a knife with a blade over five and one half (5½) inches in length, without the written consent of the parent or guardian of such minor, or of someone standing in lieu thereof, shall be fined not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200), or be imprisoned in jail for a

period of time not to exceed one year or by both such fine and imprisonment.

489a. *Sale or lease of weapon to minor or person under heat of passion.* If any person shall knowingly sell, rent, or lease any pistol to a minor, or any other person under the heat of passion, he shall be guilty of a misdemeanor, or, if any person violates any of the provisions hereof, he shall be guilty of a misdemeanor, and upon conviction, punished by a fine of not less than Ten Dollars (\$10.00), nor more than Two Hundred Dollars (\$200.00), provided that no person may purchase a pistol unless said purchaser has secured from a Justice of the Peace, County Judge, or District Judge, in the county of his or her residence a certificate of good character. Said certificate to be kept with the permanent record of the dealer. No person may purchase a pistol who has served a sentence for a felony.

Nothing in this bill shall affect the law against carrying pistols.

489b. *Machine guns: Definition, sale, penalty, and exception of peace officers and others.* 1. "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be automatically discharged from a magazine by a single functioning of the firing device. "Person" applies to and includes firm, partnership, association or corporation.

2. Whosoever shall possess or use a machine gun, as defined in Section 1, shall be guilty of a felony and upon conviction thereof, shall be confined in the State Penitentiary, for not less than two (2) nor more than ten (10) years.

3. Whoever shall sell, lease, give, barter, exchange, or trade, or cause to be sold, leased, given, bartered, exchanged, or traded, a machine gun as hereinabove defined to any person shall be guilty of a felony and upon conviction thereof, shall be confined to the State Penitentiary, for not less than two (2) nor more than ten (10) years.

4. Nothing contained in Section 2 of this Act shall prohibit or interfere with:

(1) The possession of machine guns by the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose.

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake.

(3) The possession of machine guns by officials and employees of the Texas State Prison System.

5. Nothing contained in this Act shall prohibit or interfere with the sale, lease, barter, exchange or gift of a machine gun as defined in this Act, or the transportation required for such purpose to the Adjutant General of the State of Texas, the duly qualified and commissioned Sheriff of a county in Texas, to a duly qualified and commissioned Chief of Police of any municipality within the State of Texas, the duly authorized purchasing agent for the Texas State Prison System, the military forces or peace officers of the United States.

489c. *Possession of firearms by persons convicted of felony involving use of firearm.* 1. It shall be unlawful for any person who has been convicted of burglary or robbery, or of a felony involving an act of violence with a firearm under the laws of the United States or of the State of Texas, or of any other state, and who has served a term in the penitentiary for such conviction, to have in his possession away from the premises upon which he lives any pistol, revolver or any other firearm capable of being concealed upon the person.

3. *Definitions.* The following words and phrases when used in this Act are defined as follows, to wit:

(a) "Pistol," "revolver" and "firearm" means a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than twelve (12) inches in length.

(b) The use of the masculine gender includes the feminine gender.

4. The penal provisions of this Act shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the five-year period next immediately following his discharge or release from the penitentiary.

1723. *Offenses in connection with bombs.*

1. The term "bomb," as used in this Act means:

(a) Any explosive, inflammable or combustible substance controlled in any form of container whatsoever whereby the same is susceptible of being set off or exploded, or which automatically explodes when coming in contact with heat, fire, mechanical contrivance or chemical process or which will ignite, detonate or dissemble in any manner so as to cause injury or harm to any person, animal or plant life, or which will damage property in any manner.

(b) Any substance classified by scientists as being fissionable or capable of liberating subatomic or nuclear energy in quantities destructive of life and property.

(c) Any collection of nitroglycerine, dynamite, gunpowder, gun cotton or other form of explosive matter including caps, fuses or fuseheads capable by their ignition or explosion of causing damage to persons or property.

(d) Any container which may conceal or segregate bacteria, disease germs, poisons, poisonous gases or contagious matter of any kind that is capable of causing sickness, nausea, disability or death to any person or animal, or which may inoculate plant life, contaminate water, air or food, or damage property.

(e) Any time bomb, booby trap, land mine, dynamite stick, infernal machine or any other contrivance reasonably believed by the arresting person to be intended to be used for unlawful purposes.

(f) Any capsules, ampules, tubes, torpedoes or encased containers that may contain disease-spreading, inflammable, combustible, harmful or explosive substance of any kind or which if commingled with other substances would cause an explosion or any condition or situation which might endanger life, health or property.

2. Whoever shall manufacture, own, store, keep, sell, transport, possess or have in his control a bomb, as defined in Section 1, shall be guilty of a felony and upon conviction shall be confined in the State Penitentiary for not less than five (5) years and not more than twenty-five (25) years and fined not less than One Thousand Dollars (\$1,000) and not more than Ten Thousand dollars (\$10,000), either or both. If mayhem or death shall result from such act, then the death penalty may be assessed.

3. Whoever shall be found with a bomb on his person, or in any container carried by him or if he is shown to have just cast from him a bomb to avoid capture with it in his possession, or who is shown to have deposited the same at a place where he intended for it to be exploded or where it might have exploded and caused damage to the life, health or property of another, or who has in his possession any component part of such bomb which, if combined with any other material or contrivance, could or would be calculated to explode and damage property, life or health, shall be punished as herein set forth.

9. The provisions of this Act shall not apply to duly constituted police or law enforcement officers, or to members of the military, naval or air force establishments when acting within their official capacities, or to licensed and recognized manufacturers, storers or dealers in pest destroyers, chemical substances or laboratory supplies of any kind, or to licensed physicians, surgeons, chemists, pharmacists, nurses or hospital employees in their usual employment. Nor shall it apply to railroads, commercial trucks or recognized operators or licensed dealers who transport or use dynamite or other explosives in legitimate mining, oil developing, manufacturing or displaying of fireworks, or to torpedoes, fuses and other inflammable or explosive substances used by railroads as warning or signal devices, or to persons manufacturing, storing, transporting or selling ammunition where the said persons are engaged regularly in the legitimate business of dealing in such substances. Nor shall it apply to any substances or containers used or intended to be used for industrial, mechanical, laboratory or medical purposes, or for use in the arts and sciences, or for use as economic poisons, antifreeze preparations, or fuels. This Act shall exempt the following items: small arms propellant powder, and small arms primers, and percussion caps, and old fashioned black powder.

Ballinger

Selling pistol to minor. 48. If any person, within the Corporate limits of the City of Ballinger, Texas, shall knowingly sell, rent, or lease any pistol to a minor or to any other person under the heat of passion, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than two hundred dollars.

Burkburnett

I. *Definitions.* A. Retailer shall include any person, corporation, partnership association, proprietorship, and all persons employed thereby, engaged in selling of any items, new or used, in single lots, regardless of price, to persons not commonly known to be in the business of retail selling.

B. Pistol shall include any pistol, derringer or revolver.

II. *Records kept and forwarded.* It shall hereafter be unlawful in the City of Burkburnett, Texas, for any retailer to loan, sell, rent or otherwise transfer or to permit or cause to be loaned, sold, rented or otherwise transferred, a pistol to any person without fully complying with the following requirements:

A. Obtain in writing upon duplicate forms to be supplied by the Police Department the following data:

1. Purchaser's full name, sex, race, age, height, weight, color of hair, color of eyes, military service number if a member of the U.S. Armed forces.

2. Purchaser's present residential address.

3. Purchaser's previous residential address or addresses for the past twelve months.

4. Purchaser's occupation, now, and for the past twelve months, listing present and past employers' names and addresses, for this period of time.

5. Valid signature of purchaser.

6. A full description of pistol sold or otherwise transferred, which shall include make and model, serial number and manufacturer's name.

7. Retailer's name and address, including business location and sales clerk's name.

8. Date sold or transferred.

B. Forward the original of the above required form, listed in Subsection A, to the City of Burkburnett, Police Department, within 10 days after sale or transfer of possession of pistol.

C. Maintain the duplicate copy on record at the Retailer's place of business for twelve months for inspection by any commissioned Law Enforcement Officer.

Falfurrias

2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City Limits of the City of Falfurrias, Texas, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the City of Falfurrias, Texas, provided, however, that this section shall not apply to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Falfurrias, Texas, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

San Antonio

26.27. *Explosives, etc.; furnishing to minors.* It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

Wichita Falls

24-8. *Sale of pistols.* (a) *Definitions:* The word "retailer" shall include any person engaged in selling of any items, new or used, in single lots, regardless of price, to persons not commonly known to be in the business of retail selling.

The word "pistol" shall include any pistol, derringer or revolver.

(b) It shall be unlawful for any retailer to loan, sell, rent or otherwise transfer or to permit or cause to be loaned, sold, rented, or otherwise transferred, a pistol to any person except as set out in this section.

(c) The retailer shall obtain in writing upon duplicate forms to be supplied by the police department the following data:

(1) Purchaser's full name, sex, race, age, height, weight, color of hair, color of eyes, military service number, if a member of the U.S. Armed Forces.

(2) Purchaser's present residential address.

(3) Purchaser's previous residential address or addresses for the past twelve (12) months.

(4) Purchaser's occupation, now, and for the past twelve months, listing present and past employers' names and addresses, for this period of time.

(5) Complete ink print of the palm of the nail joint of the thumb and forefinger of each hand of purchaser, and designated as such, upon both the original and duplicate form.

(A) The police department shall, upon request by the retailer, furnish instruction on the correct procedure of taking an ink print of the thumb and forefinger. Such instruction shall be held at the police department headquarters.

(B) Defective ink prints shall constitute a violation of this section only upon notice by the police department to the retailer of such defect, followed by failure of the retailer to seek instruction within ten (10) days at the police department headquarters, followed by an additional defective ink print.

(6) Valid signature of purchaser.

(7) A full description of pistol sold or otherwise transferred, which shall include make and model, serial number, and manufacturer's name.

(8) Retailer's name and address, including business location and sales clerk's name.

(9) Date sold or transferred.

(d) Forward the original of the required form, listed in subsection (c), to the police department within ten (10) days after sale or transfer of possession of pistol.

(e) Maintain the duplicate copy on record at the retailer's place of business for twelve (12) months for inspection by any commissioned law enforcement officer.

UTAH

State Law

UTAH CODE ANN. TITLE 76

76-23-1. *Selling or giving to child under fourteen.* Any person who sells, gives away, or disposes of, or offers to sell, give away, or dispose of, any pistol, gun, target gun or other firearm to any person under the age of fourteen years is guilty of a misdemeanor.

76-23-2. *Child in possession of deemed delinquent.* Any person under the age of fourteen years who carries or has in his possession any pistol, gun, target gun or other firearm, unless he is accompanied by a parent or guardian, shall be deemed a delinquent child.

Murray

17-6. *Sales of firearms and other weapons prohibited.* It shall be unlawful for any person to sell, give or furnish to any minor any firearm, air gun or other instrument designed to throw missiles.

20-23. *Firearms and explosives—Permit for purchase.* It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of police authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. The permit shall recite the date of issuance and that such permit shall be valid thirty days from such date, the name and address of the person to whom granted, and the purpose for which such weapon, ammunition or explosive is to be used. The permit shall be countersigned by the person to whom issued. Such permit shall not be transferable. If the permit is not used, it shall be returned to the chief of police. If the permit is used, the person receiving the same shall return it to the chief of police at the same time that report is made to the chief of police, as required by section 20-24. No such permit shall be issued to any minor.

20-24. *Same—Register to be kept; reports of sales to police.* It shall be unlawful for any person to sell, loan, or give away any pistol, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, containing the name, residence, occupation and nationality of the purchaser or recipient, and a state-

ment of the purpose for which purchased or obtained, together with the number or amount of such article purchased or obtained, and a description of the same, including the factory number and manufacturer's name, or other description which shall serve the purpose of identification of the particular article or goods sold or obtained, and the date when sold or obtained. Such book or register shall be open at all times to the inspection of the chief of police or his representatives.

It shall be the duty of any person making such sale, loan or delivery of any such article or thing to deliver to the chief of police, at the close of business of each day, a copy of the register required to be kept, showing the transactions with regard to such articles each day.

Provo

12.12.040. *Minors—Sale to—Prohibited.* It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm or air gun.

12.12.050. *Sale of firearms to be recorded—Purchaser to register weapon.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose, containing the name, residence, occupation and nationality of the purchaser or recipient, together with the number or amount of such article purchased or obtained, and a description of the same including the factory number and manufacturer's name, or other description which shall serve the purpose of identification of the particular article sold or obtained, and the date when sold or obtained; said book or register shall be open at all times to the inspection of the chief of police or his representative; and it shall be the duty of any person making such sale, loan or delivery of any such article or thing to deliver to the chief of police a copy of the register required to be kept, showing the transactions with regard to such articles. Any purchaser of a pistol, revolver, gun or similar weapon must register same with the police department immediately.

Salt Lake County

16-4-1. *Unlawful use of weapons.* (1) A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than eighteen inches in length, * * * or

(f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16-4-3. *Record of sale.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, containing the name, residence, occupation and nationality of the purchaser, or of each purchaser, and a statement of the purpose for which purchased, together with the number or amount of each article purchased and a description of the same, including the factory number and manufacturer's name, or other description which shall serve the purpose of identification of the particular article or goods sold, and the date when sold; said book or register shall be open at all times to the inspection of the sheriff or his representative; and it shall be the duty of any person making such sale, loan or delivery of any such article or thing to deliver to the sheriff at the close of business of each day a copy of the register required to be kept,

showing the transactions with regard to such articles each day.

16-4-4. *Seller to require permit.* It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16-4-5. *Obtaining weapons without permit illegal.* It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16-4-6. *Possession by minors.* It shall be unlawful for any minor to possess or have in his or her possession in any place, whether public or private, within the limits of the county, any gun, revolver, or firearm, or any kind of argun, rubber flipper, bow and arrow or other weapon or instrument of similar nature designed to throw missiles, unless permission for the possession and use of such instrument be given in writing to such minor by his or her parent, or guardian, or person having the charge or control of such minor.

16-4-8. *Furnishing to minors.* It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell or to furnish to any minor, any instrumentality named in the above-mentioned provisions.

VERMONT

State Law

Vt. Stats. Ann. Title 13

4007. *Furnishing firearms to children.* A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than \$50.00 nor less than \$10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

4008. *Possession of firearms by children.* A child under the age of sixteen years shall not, without the consent of his parent or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 11 of Title 33.

4010. *Gun silencers.* A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers for military purposes when so used or possessed under proper military authority and restriction.

4013. *Zip guns; switchblade knives.* A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, or a weapon commonly known as a switchblade knife, the blade of which is three inches or more in length, shall be imprisoned not more than ninety days or fined not more than \$100.00.

VIRGINIA

State Law

Va. Code Ann. Title 18.1

18.1-78.6. *Manufacture, possession, use, etc., of fire bombs.* (a) For the purpose of this section, "fire bomb" means a container

containing gasoline, kerosene, fuel oil, derivative thereof, or similar substance, with a flash point of one hundred seventy degrees Fahrenheit or less, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, derivative thereof or similar substance; provided that no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be a fire bomb.

(b) It shall be unlawful for any person to possess materials with which fire bombs can be made with the intent to manufacture fire bombs. If other circumstances surrounding the case shall show that fire bombs are intended to be made, possession of such materials with which fire [bombs] may be made shall be prima facie evidence of an intent to manufacture fire bombs.

(c) It shall be unlawful to manufacture, distribute, possess or use a fire bomb.

(d) Violators of this section shall be guilty of a felony, and shall be confined in the penitentiary not less than one nor more than five years.

(e) Nothing in this section shall prohibit the authorized manufacture, use or possession of any material, substance, or device by a member of the armed forces of the United States, firemen or law-enforcement officer; nor shall it prohibit the manufacture, use or possession of any material, substance or device to be used solely for scientific research, educational purposes or for any lawful purpose.

18.1-258. *Definitions.* When used in this article: (1) "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than seven shots or bullets may be rapidly, automatically or semi-automatically, discharged from a magazine, by a single function of the firing device, and also applies to and includes weapons, loaded or unloaded, from which more than sixteen shots or bullets may be rapidly, automatically, semiautomatically or otherwise discharged without reloading.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1-260. *Use of machine gun for aggressive purpose.* Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of from one to ten years.

18.1-261. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun is of the kind described in § 18.1-265 and has not been registered as in such section required; or

(4) When empty or loaded shells of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

18.1-263. *What article does not apply to.* Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) Machine guns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or

(4) The possession of a machine gun other than one adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber, for a purpose manifestly not aggressive or offensive.

18.1-265. *Registration of machine guns.* Every machine gun in this State adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or large caliber shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition.

18.1-268.1. *Definitions.* When used in this article: (1) "Sawed-off" shotgun applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1-268.3. *Possession or use of "sawed-off" shotgun for offensive or aggressive purpose.* Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

18.1-268.4. *What constitutes offensive or aggressive purpose.* Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is found in the possession of an individual at the scene of a riot or civil disturbance, unless such possession is on premises owned or rented by the individual for residential, recreational or business purposes and obviously for defense of his person, family or property during such riot or civil disturbance;

(2) When the "sawed-off" shotgun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the "sawed-off" shotgun is of the kind described in § 18.1-268.1 and has not been registered as required in § 18.1-268.6 [§ 18.1-268.7]; or

(4) When the "sawed-off" shotgun is found in the possession of an individual under circumstances indicating his preparation to participate in a riot or civil disturbance or his preparation for the commission of a crime of violence.

18.1-268.5. *Exceptions to application of article.* Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of "sawed-off" shotguns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

18.1-268.7. *Registration of "sawed-off" shotguns.* Every "sawed-off" shotgun in this State shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor, and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the "sawed-off" shotgun and apply for its confiscation as provided in § 18.1-268.9 [§ 18.1-268.8]. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

18.1-44. *Furnishing certain weapons to minors.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, * * * such person shall be guilty of a misdemeanor * * *.

VA. CODE ANN. TITLE 59

59-144. *In certain counties.* Chapter 297 of the Acts of 1944, approved March 29, 1944, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

Alexandria

41-8. *Procedure for sale of pistols or revolvers; sale to certain persons prohibited.* Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, containing his full name, address, occupa-

tion, color, place and date of birth, height and weight, some descriptive mark of identification, the date and hour of the application, the caliber, make, model and manufacturer's number of the weapon to be acquired and a statement that he has never been convicted of a crime of violence. The seller or person disposing of such weapon shall within six hours after such application, sign and attach his address and deliver one copy of the application to the superintendent of police and he shall retain the other copy for five years. Forms for such applications shall be furnished by the superintendent of police at the expense of the city. It shall be unlawful for any person to give false information or offer false evidence of his identity in making such application or in acquiring a pistol or revolver. No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

A crime of violence, as used in this section, shall be taken to mean murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, robbery, larceny, assault with intent to kill, commit rape or robbery, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment in the penitentiary or an attempt to commit any of such crimes.

Appomattox

17-4. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sell, barter, give or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switchblade, knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Arlington County

CHAPTER 297, ACTS OF ASSEMBLY OF 1944

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and

shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

Bedford

25-4. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sell, barter, give or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Bridgewater

4-37. *Prohibiting sales to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, bowie knife, black jack, metal knucks, tear gas pen or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.

Brunswick County

Report of sales of pistols and revolvers; penalty. All sellers of pistols and revolvers shall furnish the Clerk of the Circuit Court of Brunswick County, Virginia, within ten (10) days after sale of any such weapon, with the name and address of the purchaser, the date of purchase and the number, make and calibre of the weapon sold. The Clerk shall keep a record of the reports. Any person, persons, business, or agency failing to comply with this requirement shall be subject to a fine of not exceeding one hundred dollars and imprisonment in jail for not exceeding six months, either or both.

Sellers to obtain identity of purchaser; presumption. In obtaining the name and address of the purchaser, as hereinabove provided, if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment, and proof of failure to do so shall establish a presumption that the above-required report has not been furnished if it be proved that said name and address, or either of them, were incorrect at the time of sale.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any per-

son intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

19-85. *Firearms—Sales, etc., to minors.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, dirks, switch-blade knives or Bowie knives, having good cause to believe such minor to be under eighteen years of age.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Chesapeake

23-53. *Required: Definitions.* No person shall sell, lease, rent, give or otherwise furnish within the City any pistol, dirk, switch blade knife, sling shot or any weapon of like kind, unless and until a permit, granted by the Chief of Police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the City.

a. No licensed dealer shall deliver any handgun to any person under 21 years of age or to any individual whom such dealer has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

Clifton Forge

13-44. *Selling or furnishing to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen (18) years of age, a pistol, dirk, bowie knife, having good cause to believe him to be a minor under eighteen (18) years of age.

Colonial Heights

16-52. It shall be unlawful for any person to sell, barter, give, furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen years of age, a pistol, dirk, or bowie knife, having good reason to believe him to be a minor under eighteen years of age.

Covington

31-3. *Furnishing pistol, dirk, etc., to minor under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, switchblade knife, Bowie knife, or any air rifle, air pistol or like device, having good cause to believe him to be a minor under eighteen years of age.

31-5. *Possession, transportation, etc., of guns, etc., by persons under eighteen years of age.* It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge or exploding any powder or similar substance or propelling any ball, bullet, shot

or pellet or similar object, by any means, for a distance of more than fifty feet.

Elkton

33-2. *Sale of certain weapons to minors under age of eighteen years.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk, Bowie knife, black jack, metal knucks, tear gas, pen or gun, or other weapon of like kind, having good cause to believe him to be a minor under eighteen years of age.

Emporia

(1) On or after September 1, 1967, it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the City of Emporia, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the City of Emporia, Virginia, authorizing such purchase;

(2) On or after September 1, 1967, it shall be unlawful for any person, firm, partnership or corporation to sell a pistol of any calibre or description within the City of Emporia, Virginia, to any person, firm or organization unless said purchaser or purchasers shall first exhibit to the person, firm, partnership or corporation selling the pistol of any calibre or description, a written permit, executed by the Chief of Police of the City of Emporia, Virginia, authorizing the sale and purchase of a pistol of any calibre or description within the City of Emporia, Virginia.

Fairfax County

28-20. *Dealers not to sell, etc., to minors and other persons.* No licensed dealer shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, having good cause to believe him to be a minor under eighteen years of age nor shall any licensed dealer sell, lend, rent, or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or is a habitual drunkard, or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol, by the Chief of Police, under the provisions of this article.

28-21. *Acquisition of pistols from dealers.* Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application on forms provided by the Chief of Police which shall be signed in duplicate by such person stating his full name, address, occupation, place and date of birth, the date and hour of application, and a statement that he has never been convicted in this State or elsewhere of a crime of violence, that he is not an habitual drunkard, or a drug addict, and that he has never been committed to an institution for treatment of mental illness from which he has not been discharged for period of three years prior to the date of his application to purchase a pistol. Within eight hours after receipt of such application, the licensed dealer who proposes to sell a pistol shall sign and attach his address and mail or deliver one copy of such statement to the Chief of Police. A duplicate of the application shall be retained by the dealer for six years. It shall be mandatory for the Chief of Police, within ten days from receipt of application, to destroy all records of such application.

28-22. *72 hour waiting period for sale of pistols.* No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-

two (72) hours, excluding Saturdays, Sundays, and holidays, shall have elapsed from the time the application has been received by the Chief of Police. The Chief of Police shall cause a postal card to be mailed to the said dealer on the same day the application is received in his office stating the time and date the application was received.

28-23. *Notice to dealers.* If, within the seventy-two hour period, the Chief of Police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, or (2) a person who has been committed to an institution for treatment of mental illness, or drug addiction, and has not been discharged therefrom for a period of three years preceding the date of said application, or (3) has been convicted of a crime of violence, or (4) or is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

Falls Church

26-1. *Definitions.* 26-1.01 *Pistols* as used in this Chapter, means any firearm with a barrel less than twelve inches in length.

26-1.02 *Sawed-off shotgun* as used in this Chapter, means any shotgun with a barrel less than twenty inches in length.

26-1.03 *Machine gun* any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or 22 calibre rifle.

26-1.04 *Person* as used in the Chapter, includes individual, firm, association or corporation.

26-1.05 *Sell and purchase* and the various derivatives of such words, as used in this Chapter, shall be construed to include letting or hiring and similar forms of transferring.

26-1.06 *City* as used in this Chapter means the City of Falls Church, Virginia.

26-1.07 *Crime of violence* as used in this Chapter means any of the following crimes, or any attempt to commit any of the same; namely, murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

26-2. *Committing crime when armed—repeaters of "armed" crime of violence—added punishment.* If any person shall commit a crime of violence in the City when armed with or having readily available any pistol or other firearm, he may, in addition to the punishment provided for the crime, be punished by confinement for a term of not more than one year in jail.

26-3. *Unlawful possession of a pistol.* No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the City if:

- (1) he is a drug addict;
- (2) he has been convicted in the City or elsewhere of a felony;
- (3) he has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house;
- (4) he is not licensed to sell weapons, and he has been convicted of violating Section 26-2; or
- (5) he is a habitual drunkard.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so con-

dicted or that he is a drug addict or a habitual drunkard.

26-7. *Selling pistol to persons under 21 and others.* No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by Section 26-3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

26-8. *Transfers of firearms regulated.* No seller shall within the City deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, except that the Chief of Police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he is not forbidden by Section 26-3 to possess a pistol. The seller shall, within six hours after such application, or not later than 10:00 a.m. on the succeeding day, sign and attach his address and deliver one copy to such person or persons as the Chief of Police of the City may designate, and shall retain the other copy for six years. The Chief of Police or his designate shall, upon receipt of an application to purchase a pistol, make such investigation of the applicant and file an information report with the seller stating whether or not the applicant is, in his opinion, prohibited by Sections 26-3 and 26-7 from purchasing a pistol. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in Section 26-14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the City. This Section shall not apply to sales at wholesale to licensed dealers.

26-10. *Licenses of dealers of weapons—records—conditions thereof.* 3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by Section 26-3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in Section 26-14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the City.

5. A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun, and blackjack sold, said record to be made in a book kept for the purposes, the form of which may be prescribed by the City Council and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain the date of sale, the name, address, and occupation, color, and place of birth of the purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the weapon, and a statement by the purchaser that he is not forbidden by Section 26-3 to possess a pistol. One copy of said record shall, within seven days, be forwarded by mail to the Chief of Police of the City and the other copy retained by the seller for six years.

26-11. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry

same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the City, give false information or offer false evidence of his identity.

26-12. *Alteration of identifying marks of weapons prohibited.* No person shall within the City change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same within the City; provided, however, that nothing contained in this Section shall apply to any officer or agent of any of the departments of the United States or the City engaged in experimental work.

26-13. *Exceptions:* This Chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

26-14. *Possession of certain dangerous weapons prohibited—Exceptions.* No person shall within the City possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, however, that machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed.

Farmville

16-17. *Firearms—Sale to minors.* It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk or Bowie knife, having good reason to believe him to be a minor under eighteen years of age.

16-61. (a) *Issuing of permits: purchase of weapons, etc.* No person within the Town of Farmville shall purchase or otherwise procure as his own property, or for temporary use, any pistol, dirk, bowie knife, black jack or any weapon of like kind, unless and until, such person shall procure from the Chief of Police of the Town of Farmville a permit, in writing, signed by the Chief of Police, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the Town of Farmville any pistol, dirk, bowie knife, black jack or any weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Front Royal

32-2. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or fur-

nished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Galax

20-128. *Weapons—Sales etc., to minors.* If any person shall give, sell, barter, furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, dirks, switchblade knives or Bowie knives, having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than ten dollars nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols", "toy guns", or otherwise.

Greensville County

On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

41-4. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor.

Harrisonburg

17.37. *Furnishing to persons under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk, or bowie knife, having good cause to believe him to be a minor under eighteen years of age.

Henrico County

8-3. *Permits—Certain permits obtainable from police chief.* Every person desiring a license under the provisions of this chapter for furnishing detective service, detective, medicine vendor or desiring to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the chief of police for a permit and shall produce to the chief of police, evidence of the good character of the individual, the members of the firm, or the chief officers of the corporation, as the case may be. It shall thereupon be the duty of the chief of police to make a reasonable investigation of the character of the individual, or of each member of the firm, or of each chief officer of the corporation as the case may be, and if he be satisfied that the individual, the members of the firm, or the principal officers of the corporation, as the case may be, be of good moral character and fit to engage in the proposed business, or to buy, sell or otherwise acquire a pistol or revolver,

he shall issue the permit. The form of the application for the permit and the form of the permit itself shall be prepared and furnished by the chief of police.

Hopewell

41-3. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor.

Jarratt

I. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(C) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(D) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

II. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.

Leesburg

24-7. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Lexington

26-5. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or fur-

nished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Luray

28-5. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Lynchburg

33-2. *Selling, etc., dangerous weapons to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, any firearms, cartridges, dirks or Bowie knives, air rifles, air guns, hunting arrows or fireworks in any form, having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Narrows

45. Be it ordained by the council of the town of Narrows that it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any air-rifle, gravel shooter, sling-shot, or small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such air-rifle, gravel shooter, sling-shot or small caliber firearm.

Newport News

42-1. *Sale of certain firearms, etc., to minors under eighteen years of age.* It shall be unlawful for any person to sell to any minor under eighteen years of age any firearm or deadly weapon of any description, or the ammunition therefor.

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet, by the action of gunpowder exploded within it.

42-24.1. *Permit to purchase, sell, rent, etc., pistols or revolvers.* (1) It shall be unlawful for any person to sell exchange, lease or rent, either directly or indirectly, any pistol or revolver to any person who has not first obtained permission from the chief of police or the judge of any court not of record of the city authorizing the purchase, exchanging, leasing or renting of such pistol or revolver for which permission must be obtained.

(2) It shall be unlawful for any person to buy, exchange, lease or rent any pistol or revolver from any other person without first obtaining a permit from the chief of police or the judge of any court not of record of the city authorizing the purchase, exchanging, leasing or renting of such pistol or revolver.

(3) The chief of police or judge of any court not of record in this city is hereby authorized to issue permits for the purchase, exchange, lease or rent of any pistol, revolver or handgun to any resident of this city over eighteen years of age who is not a drug ad-

dict or an habitual drunkard, has not been convicted of a felony or carrying a concealed weapon nor convicted of vagrancy or adjudged insane.

Norfolk

51-5. *Furnishing certain weapons to minors under eighteen; permitting minors under eighteen to own etc., certain weapons.* No person shall, within the city, purchase for or sell, lease, give or lend to any minor child under the age of eighteen years, any pistol, rifle, air rifle, gun, dirk, Bowie knife, slungshot, slingshot, whip of more than thirty-six inches in length or any weapon of like kind.

51-7. *Permit for purchase of certain weapons.* No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Petersburg

48-8. *Permits to buy, etc., pistol, dirk, slung shot.* No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol, dirk, Bowie knife, slung shot, blackjack or any weapon of the like kind, or any pistol or rifle ammunition, unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such a purchase or to procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give or deliver to any person within the city any pistol, dirk, Bowie knife, slung shot, blackjack or any other weapon of the like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low-powered rifles or rifle ammunition therefor of 22-calibre and under, commonly used for target practice purposes.

48-11. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *

Portsmouth

38-7. *Sale, etc., to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

38-8. *Sale, etc., of toy firearms.* No person shall sell, barter, exchange, furnish or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof,

shall be fined not less than fifty dollars nor more than one hundred dollars, or confined in jail for a period not less than thirty days nor more than ninety days, or both. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

38-9. Required; definitions. No person shall sell, rent, give or otherwise furnish (hereinafter referred to as "sell") to any person within the city any pistol, dirk, Bowie knife, slung shot, switch-blade knife or any weapon of a like kind, unless and until the recipient thereof (hereinafter referred to as "purchaser") shall present to such person (hereinafter referred to as "dealer") a permit granted by the chief of police authorizing the purchaser to purchase or acquire such weapon.

38-10. Issuance; regulations applicable when weapon is to be carried concealed. Whenever the applicant for a permit as required in section 38-9 produces a certified order of the judge of the court of hustings authorizing the applicant to carry the subject weapon as a concealed weapon, the chief of police shall issue such permit.

In cases where the subject weapon is not to be carried as a concealed weapon, the chief of police shall issue the permit to purchase or acquire subject to the following regulations:

(1) The applicant must personally sign and complete a written application for the permit.

(2) The applicant must be fingerprinted by the police department.

(3) A report of the police records of the applicant must be obtained by the police department from the Federal Bureau of Investigation.

(4) The applicant must show a lawful use for the subject weapon.

(5) When such investigation discloses that the public welfare will be prejudiced by permitting a person of known mental instability or criminal activity involving breach of the peace, such a permit shall not be granted.

38-11. Registration and records. All dealers in pistols, dirks, Bowie knives, switch-blade knives or any weapon of like kind shall keep an accurate register of the number and character of such weapons purchased, name of person from whom purchased and date of purchase, and likewise keep an accurate record of each sale of such weapon, which shall show the date of sale, the name of the purchaser and the number and character of the weapon. Such records shall be open to the inspection of any police officer of the city, and a copy of the same shall be made and certified by such dealer monthly to the chief of police. Upon the sale of each such weapon, the dealer shall secure from the purchaser the permit to purchase or acquire the same and shall forward such permit with appropriate notation of the sale to the chief of police by personal delivery or by letter postmarked not later than 11 A.M. of the second day following such sale.

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, dirk, Bowie knife, black jack or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall

be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, dirk, bowie knife, black jack or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Richmond

39-4. Sale or exchange. No person shall sell or exchange within the city limits any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such is sold or exchanged, and on request shall be exhibited for inspection by any police officer of the city.

39-5. Purchase. No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that nothing in this section shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

39-11. Same—Sale, etc., of ammunition firearms to; exceptions. It shall be unlawful for any person to sell, give or lend ammunition to a minor.

It shall be unlawful for any person to sell, give or lend a firearm to a minor.

The provisions of this section shall not apply to persons who are members of the armed forces of the United States or the state when such persons and minors who are members of such forces are acting under armed forces orders.

The provisions of this section shall not apply to persons who lend firearms to minors who are members of the cadet corps of public, private or parochial schools for use in connection with their membership in such cadet corps.

Rocky Mount

14-116. Furnishing pistols, dirks, etc., to minors under eighteen years of age. If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Salem

6-29. Furnishing * * * pistols to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol or dirk or bowie-knife, having good cause to believe him to be a minor under eighteen years of age * * * shall be guilty of a misdemeanor.

Smithfield

Any person, firm, corporation, or association in the Town of Smithfield, Virginia, which sells any pistol or revolver, shall, when requested by a prospective purchaser to sell him such a firearm, first send the purchaser to the Chief of Police of the Town of Smithfield, or his authorized representative * * *. The Chief shall fill out a report either au-

thorizing or declining to authorize, as the case may be, the purchase or the weapon, and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if not so authorized, then the said seller shall not complete the sale.

Stanley

31. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol, dirk, bowie knife, black-jack, metal knucks, tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.

Stanton

30-2. Selling, etc., to minor under eighteen. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than one hundred dollars.

Suffolk

13-38. Weapons—Permit for purchase of pistols, cartridges, dirks, etc. No person shall sell, within the city, any pistol, dirk, bowie knife, slung shot or any weapon of like kind or pistol cartridges unless and until the proposed purchaser shall present to such seller a permit, granted by the Chief of Police of the city or the judge of the circuit court of the city, allowing purchase of such weapon or cartridges.

Virginia Beach

38-5. Permit prerequisite to purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof; shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Warrenton

24-6. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Waverly

Be it ordained by the Council of the Town of Waverly, that no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.

Be it further ordained that the seller shall present to the Sergeant of the Town of Waverly a form, properly executed by the seller, on which all of the above information is listed, within two days from the date of sale.

Waynesboro

16-14. *Firearms, knives, explosives, etc.—Sales, etc., to minors prohibited.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, pellet guns, dirks, Bowie knives, black powder or any other explosives.

The term "firearms", as used in this section, shall be construed to include any gun, pellet gun, rifle or pistol adapted to the use of any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols", "toy guns" or otherwise, and shall include pellet guns using air pressure.

WASHINGTON

State Law

WASH. REV. CODE ANN. TITLE 9

9.41.010. *Terms defined.* "Short Firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.41.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.080. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.110. *Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited.* The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(5) This section shall not apply to sales at wholesale.

(7) Every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

9.41.130. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

9.41.140. *Alteration of identifying marks—Exceptions.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence

that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. *Exemptions.* RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. *Alien's license to carry firearms.* It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of licenses, and such license is not to be issued by the director of licenses except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. *Machine guns prohibited.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200. *Machine gun defined.* For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

Bellevue

7.28.010. *Definitions.* The term "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.28.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7.28.080. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. *Pistol sales regulated.* No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birth place, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to

be purchased and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application shall sign and attach his address and forward by registered mail one copy of such statement to the Chief of Police, and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

7.28.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.28.160. *Machine gun defined.* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

7.28.170. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Bellingham

17.32.010. *Record of sales required.* Said person, firm or corporation making a sale of any firearms shall at the time of making the sale thereof, fill in a card provided by the Police Department for such purpose, setting out a full description and the number of such firearm or firearms, the date of such sale and the name and address of the purchaser thereof, and have said purchaser sign his name to said card in his own handwriting and the person or salesman making the sale shall also sign his name on said card and not later than noon of the next day following such sale, such person, firm or corporation making said sale of firearms, as above set out, shall deliver said card so filled in and signed as above set out, to the Police Department of the City of Bellingham, said card to be for the permanent records of said Police Department.

17.32.040. *Sale to minor prohibited.* The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.

Chelan

27. *Minors, * * * selling * * * firearm to.* Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

Des Moines

41. *Certain persons forbidden to possess arms.* No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

46. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to be-

have been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

47. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded.

53. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

54. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

55. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Firecrest

9.24.040. *Possession of arms—Certain persons prohibited.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. The term "crime of violence" as used in this penal code means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.24.070. *Delivery to minors and addicts.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

9.24.120. *Exceptions.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.24.130. *Machine guns.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, provided, however, that such limitation shall not apply to any police officer in the discharge of official duty.

9.24.140. *Machine gun defined.* For the purpose of this penal code a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

9.24.150. *Machine guns or parts contraband.* All machine guns or parts thereof, illegally

held or possessed are hereby declared to be contraband.

King County

1. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

2. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the Sheriff of King County who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the Sheriff that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the Sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the Sheriff as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

8.40.020. *Supplying firearms or ammunition to minor unlawful.* It is unlawful for any person in King County, state of Washington, outside the boundaries of incorporated cities and towns within King County, to sell, barter, hire, loan or give, or permit to be sold, bartered, hired, loaned or given

to any minor under the age of twenty-one years, any revolver, pistol or similar firearm or any ammunition for the same.

Mountlake Terrace

5.07.015. *Sales regulated.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness, and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Renton

"Crime of violence" as used in this Ordinance means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

5-4. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

5-8. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence.

lence, or is a drug addict, an habitual drunkard, or of unsound mind.

5-9. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birth place, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the Chief of Police; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

5-14. *Exceptions.* This Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

5-15. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun: Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

5-16. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

5-17. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Richland

1.28. *Selling, etc., of revolvers and pistols to minors less than eighteen years of age.* It shall be unlawful for any person within the City to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Seattle

1. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

2. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of The City of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9A.1.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5. Any person violating or failing to comply with any of the provisions of this ordinance shall upon conviction thereof be fined in a sum not to exceed five hundred dollars or imprisoned in the city jail for a term not exceeding one hundred eighty days, or both so fined and imprisoned.

Snohomish

9.04.360. *Selling, etc., of revolvers and pistols to minors.* It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

20. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

25. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller, on forms supplied by the chief of police, a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and mail one copy of such statement to the chief of police; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses of the State of Washington; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

30. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

45. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

46. *Unlawful to manufacture, sell or possess certain weapons or to use silencer on firearms.* No person shall manufacture, sell, dispose of or have in his possession any instrument or weapon of any kind usually known as slung shot, sand club, metal knuckles, spring-blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device; or furtively carry or conceal any dagger, dirk, knife or other dangerous weapon; or use any contrivance or device for suppressing the noise of any firearm.

Tacoma

8.66.080. *Definitions.* The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

8.66.090. *Records required before sale.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of

every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. *Delivery prohibited prior to receipt of records.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; PROVIDED, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; PROVIDED FURTHER, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. *Sales prohibited to certain persons.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

WEST VIRGINIA

State Law

W. VA. CODE ANN.

61-7-8. *Possession of machine guns, high-powered rifles, or ammunition therefor; permits; aliens may not possess firearms.* It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, sub-machine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of pistols, and all such licenses, together with the numbers identifying such rifles, shall be certified to the superintendent of the department of public safety; Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are free-

holders or tenants for a fixed term in this State, at their usual or customary place of practice, or licensed hunters in the actual hunting of game animals. No such permit shall be granted by said superintendent except in cases of riot, public danger, and emergency, until such applicant shall have filed his written application with said superintendent, in accordance with the rules and regulations that may be from time to time prescribed by said department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit, and such application shall contain the same provisions as are required to be shown under the provisions of section two [§ 61-7-2] of this article, by applicants for pistol license, and shall be duly verified by such applicant, and at least one other reputable citizen of this State. Any such permit as granted under the provisions of this section may be revoked by the governor at his pleasure, and upon the revocation of any such permit, the department of public safety shall immediately seize and take possession of any such machine gun, sub-machine gun, high-powered rifle, or gun of similar kind and character, held by reason of such permit, and any and all ammunition therefor; and the department of public safety shall also confiscate any such machine gun, sub-machine gun, and what is commonly known as a high-powered rifle, or any gun of similar kind and character, and any and all ammunition therefor, so owned, carried, transported or possessed contrary to the provisions of this section, and shall safely store and keep the same, subject to the order of the governor.

No alien shall own, keep or possess any firearm of any kind or character.

61-7-9. *Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or § 61-7-8.* It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot, or other dangerous weapons of like kind or character or any machine gun sub-machine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person.

Beckley

5. *Sale or rental.* It shall be unlawful for any person to rent or sell any revolver, pistol, dirk, bowie knife or other dangerous weapon of like kind or character, or any machine gun, or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his or her parents, or one of them, or by the minor's legal guardian.

Charleston

7. *Sale of firearms, fireworks or explosives to children.* No person shall sell to any child under the age of sixteen years firearms, gunpowder, gun caps as defined under W. Va. Code, Ch. 29, Art. 3, Section 28, fireworks or other explosives, in any quantity.

Spencer

No person shall sell to, or give away to a person not twenty-one years of age any slingshot, rubber sling metallic or false knucks or any pistol, dirk, bowie knife, or weapon of kind. Any person violating this paragraph shall be fined not less than one nor more than ten dollars.

Weirton

28-2. *Displaying of dangerous weapons for sale or hire; dealers to report to chief of police.* It shall be unlawful for any person to place, or keep on public display to passersby on streets, roads, or alleys, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot, or any other dangerous weapon of like kind or character, or any machine gun, sub-machine gun, or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age, and general appearance of the purchases, as well as the maker of the gun, manufacturer's serial number, and the caliber, and report the same at once in writing to the Chief of Police.

28-3. *Sale, etc. to unnaturalized person or minor under age of sixteen years.* It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and it shall be unlawful for any person to sell any of the arms mentioned in this article to any minor under the age of sixteen years.

Wheeling

537.02 *Selling or giving to minors.* No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol, dirk, bowie knife, switch blade knife, slingshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

537.05. *Sale, transfer of concealed weapons.* No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06. *Sale to person not holding permit.* No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07. *Purchase without permit.* No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10. *Vendor to demand permit from purchaser.* At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13. *Exceptions.* Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

WISCONSIN

State Law

WISC. STATS. ANN.

164.01. *Definitions.* (1) "Machine gun" applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

164.03. *Possession for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

164.04. *Possession when presumed for aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person, who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

164.06. *Exceptions.* Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

164.08. *Owner to register machine gun.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered by the owner in the office of the secretary of state on May 15, 1933 and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any guns, as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

164.20. *Machine guns and other weapons; use in certain cases; penalty.* (1) No person

shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years.

(3) The provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any national guardsman in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers; nor shall the restriction on transportation apply to common carriers.

939.22. *Words and phrases defined.* In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

941.22. *Possession of pistol by minor.* (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

943.06. *Molotov cocktails.* (1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb may be fined not more than \$500 or imprisoned not more than 6 months or both.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

(4) *Sale of dangerous weapons to minors prohibited.* No person shall buy for, sell or give away to any minor any dangerous weapon except household purpose knives or knives having blades less than 3 inches long without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon in which loaded or blank cartridges are used, crossknuckles of any metal, barbed or blade type bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by a slight pressure on the handle or some other part of the knife and is com-

monly known as a switch knife, or straight-edge razor or any other knife having a blade 3 inches or longer.

Beloit

(b) No person shall sell any firearm, blackjack, billy, bludgeon, cross-knuckles, knuckles of any metal, bowie knife, dirk-knife, dirk dagger or switch blade knife, or loan such items to any minor within the City of Beloit.

Hales Corners

14.01. (1) *Definitions: Dangerous weapon.* The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade 3 inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

(4) *Selling weapons to minors prohibited.* No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, except household purpose knives or knives having blades less than 3 inches.

(6) *Permit required for purchase of dangerous weapons.* No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, air rifle, weapon used solely for target practice purposes, sporting goods, as hereinbefore defined, straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions or sports. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

Madison

25.01. *Sale of firearms.* (1) Every person, firm, association or corporation engaged in the business of selling firearms at retail in the City of Madison shall, at the close of business on each day during which any such person, firm, association, or corporation shall sell any firearms, make a report to the Chief of Police, giving a brief description of each firearm sold and the name and address of the purchaser.

(2) The City Clerk shall provide suitable forms upon which such reports may be made, which shall be furnished upon request to persons, firms, associations or corporations engaged in selling firearms at retail in the City of Madison.

(3) No minor shall go armed with a pistol and no person shall intentionally sell, loan or give a pistol to any minor. This subsection does not apply to a minor who is armed with a pistol when such pistol is being used in target practice under the supervision of an adult nor does it apply to an adult who transfers a pistol to a minor for use only in target practice under his supervision.

(4) No person under the age of 18 years shall go armed with a firearm of any type nor with a pneumatic pellet gun and no minor under the age of 18 years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or ammunition therefor to any person under the age of 18 years. This subsection does not apply to a minor who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a minor for use only in target practice or hunting under his supervision.

Milwaukee

105.34. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade three inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

105.43. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do as provided in Section 105-44, and no person, firm, or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in Section 105-46. It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

105.43.5. *Unlawful to sell weapons to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18 any weapon listed or defined as dangerous in Section 105-34, except household purpose knives or knives having blades less than three inches.

105.45. *Daily report on sales of dangerous weapons.* Every person, firm or corporation who is licensed to deal in the sale of dangerous weapons pursuant to the requirements of Sections 105-43 and 105-44, shall make out and deliver to the chief of police of the City of Milwaukee every day before the hour of 12 o'clock noon a legible and correct report of every sale or gift made under authority of said license during the preceding twenty-four hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee, with his or her

address and age, the number, the kind, description and price of such weapon, the number of the purchaser's permit and the purpose for the purchase of such weapon; provided, however, that it shall not be necessary for any person, firm or corporation engaged in the buying and selling of such dangerous weapons, in wholesale or job-lots, to make the above mentioned report, but it shall be the duty of such persons, firm or corporation to permit the chief of police to examine the books of such person, firm or corporation at any and all times he may deem it advisable. Said report shall not be required on the sale of the following: Rifles or shotguns used for hunting purposes; air rifles, weapons used for target practice purposes; straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports.

105.46. *Permit required for purchase of dangerous weapon.* It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods as defined in Section 105-43, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

Such application shall also contain a recommendation from two persons who shall appear to be taxpayers residing within the city, that the permit should be issued. No such permit shall be granted to persons having been convicted of crime or to minors under the age of 18. Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent thereof, and the same shall be filed by him or them in the office of the City Clerk of the City of Milwaukee within three months from the date of the issuance of the same. No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than 18 inches nor shall anyone remove the serial number from any weapon.

New Berlin

(g) Under no circumstances shall any person sell, keep for sale, manufacture or bring into the city for use therein any fire balloon, mortars, except mortars used for special display purposes, or cannon, or any explosive cane, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese firecrackers more than two inches in length or more than three-eighths inch in diameter, outside measurements of container, or any article containing a compound of mercury or yellow phosphorous.

Oshkosh

(b) *Firearms to minors.* No person shall sell, loan, or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Racine County

(2) *Possession or use of firebombs or other similar devices.* (a) It shall be unlawful for any person to make, carry, possess,

sell, give, or use, any type "molotov cocktail", which is defined to mean a flammable liquid-filled bottle or container with a fuse, wick, or any other type of ignition to detonate the device.

Shorewood

13-601. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy sandclub, sandbag, bludgeon, slingshot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight edge razor or any other knife having a blade three (3) inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

13-604. *Permit required for purchase of dangerous weapons.* (1) It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods, as defined in Section 13-605, straight edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

(2) Such application shall also contain a recommendation from two persons who are unrelated, of different households, and who shall be taxpayers residing within the Village, that the permit should be issued. No such permit shall be granted to persons having been convicted of crime or to minors. Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent thereof, and the same shall be filed by him or them in the office of the Village Clerk of the Village of Shorewood within three months from the date of the issuance of the same.

(3) No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than 18 inches nor shall anyone remove the serial number from any weapon.

13-605. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight edge razors, household purpose knives, any knife having a blade less than three inches, or

instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do as provided in Section 13-607, and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-604.

13-606. *Unlawful to sell to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601, except household purpose knives or knives having blades less than three inches.

13-610. *Possession of pistol by minor.* (a) It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, load or give a pistol to a minor.

(d) In this Section, "pistol" means any firearm having a barrel less than twelve (12) inches long.

Wauwatosa

6.06. *Sale and use of dangerous weapons and guns.* (1) Definitions. In this section, unless the context otherwise requires: "Dangerous Weapon," means any blackjack, sling-shot, billy, sandclub, sandbag, bludgeon, metal knuckles, any knife having a blade of 3 inches or more, or other similar article.

"Dangerous gun" means any revolver, pistol, air rifle, including all types of BB guns, rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

"Person" means any person, firm, or corporation.

(2) No person shall engage in the business of selling or giving away any dangerous weapon or gun without obtaining a license as hereinafter provided, and no person having such license shall sell or give away any such dangerous weapon or gun who has not secured a permit from the Chief of Police to obtain such dangerous weapon or gun as hereinafter provided.

This provision does not apply to rifles or shot guns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport, straight edge razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions or sports.

(5) No person shall purchase any dangerous weapon or gun without securing a permit therefor from the Chief of Police. Before such permit is granted an application therefor shall be made in writing, setting forth the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit. The application shall also contain a recommendation from at least 2 tax-paying residents of said City that the permit issue. No such permit shall be granted to persons convicted of crime or to minors. The permit shall be delivered to the person from whom the dangerous weapon or gun is purchased and shall be by him filed in the office of the City Clerk of said City within 3 months from the date of issuance thereof. This subsection shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined as any of those items that further interest in the commonly accepted fields of sport, straight edged razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions, or sports, except as to persons convicted of crime or to minors.

(7) No person shall mutilate any revolver, pistol, shotgun, rifle, or any other firearm or destroy the identification marks thereon.

White Fish Bay

15.12. *Weapon dealers.* (1) *Sale and display prohibited.* No person shall engage in the business of selling, sell or give away any blackjack, sling shot, billy, sand bag, sand club, bludgeon, metal knuckles, revolvers, pistols, shot guns, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles or any sign, poster, display card or other matter advertising or suggesting the sale of any such weapon, cartridge, shell, gas, explosive or projectile, except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) *Dealers' licenses.* Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police and presentation of a receipt showing the payment of the annual fee of \$5 to the Village Clerk-Treasurer. Every such licensee shall make out and deliver to the Chief of Police every day before the hour of twelve o'clock noon, a legible and correct report of any sale or gift, the name of the purchaser or donee, his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's license and the purpose for which said weapon was acquired.

(3) *Buyers' licenses.* Buyers' licenses shall be issued by the Chief of Police upon an application in writing, setting forth the name, address, age, height, weight, complexion, nationality and other means of identification of the applicant; also, the purpose for which said weapons is to be used and full detail as to conviction of the applicant of any crime. Such application shall also contain a written recommendation of two taxpayers residing in the village that such license be granted, and each such license shall expire thirty (30) days following the date of same. No license issued pursuant to subsections (2) or (3) shall be granted to any person who has been convicted of crime or to a minor. Each buyer's license shall be delivered to the seller or donor of such weapon who shall preserve same and file it with the Chief of Police at the time of making the report provided for in subsection (2).

(4) *Purchase of.* No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) *Rifles and shot guns for hunting purposes excepted.* The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

WYOMING

State Law

WYO. STATS. ANN. TITLE 6

6-240. *Furnishing deadly weapons to minor.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol;

and any person who shall violate any of the provisions of this section shall be fined in any sum not more than fifty dollars.

6-241. *Possession of weapons by aliens.* Every person, not being a citizen of the United States, who shall own, possess, wear or carry any dirk, pistol, shot gun, rifle, or other fire arm, bowie knife, dagger, or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or imprisoned in the county jail not more than six months, or by both such fine and imprisonment.

6-243. *Dealer's and pawnbroker's firearms register—Required to be kept; information to be shown.* All wholesalers, retailers, dealers and pawn brokers are hereby required to keep a record of all firearms which may come into their possession, whether new or second hand, which record shall be known as the firearms register. Such register shall contain the following information, to-wit: The name of the manufacturer, person, persons, firm or corporation from whom the firearm was obtained, the date of its acquisition, its manufacturer's number, its color, its caliber, whether the same is new or second hand, whether it is an automatic, a revolver, a single shot pistol, a rifle, a shotgun or a machine gun, the name of the party to whom said firearm is sold in such purchaser's handwriting and the date of such sale.

6-244. *Same—To be signed by purchaser.* Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearm register, at the time of the delivery to him of any firearm so purchased.

Cheyenne

46-1. *Definitions.* Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges or pistols as security for loans. Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

46-5. *Possession of firearms—Criminals, drug addicts, etc.* No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is drug addict or a habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

46-6. *Same—Minors.* No person under the age of eighteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia, R. O. T. C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

46-7. *Sale, possession, etc., of firearms without manufacturer's identification mark prohibited.* No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

46-9. *Exceptions.* This chapter shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

46-14. *Pistols—Sale and delivery.* When any sale of a pistol, the overall length of which is less than six inches, is made under this article, forty-eight hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall

be securely wrapped and unloaded when delivered to the purchaser.

46-16. *Sales, etc., to criminals, dope addicts, etc.* No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

46-17. *Sales, etc., to minors.* No dealer shall sell, lease, lend or otherwise transfer a firearm to any person under twenty-one years of age except as provided in section 46-8.

Cody

34-4. *Furnishing deadly weapons * * * to minors.* It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, knife, slingshot, knucks, or any other deadly weapon of any kind, which can be worn or concealed upon the person.

Sheridan

19-44. *Weapons—Sale, etc., to minors.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or Bowie knife, slingshot, knucks or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

DISTRICT OF COLUMBIA

D.C. CODE TITLE 22

22-3201. *Possession, sale, transfer, and use of dangerous weapons—Definition.* "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation. "Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3203. *Unlawful possession of a pistol.* No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the District of Columbia, if—

- (1) he is a drug addict;
- (2) he has been convicted in the District of Columbia or elsewhere of a felony;
- (3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or
- (4) he is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. Whoever violates this section shall be punished as provided in section 22-3215, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be imprisoned for not more than ten years.

22-3207. *Selling pistol to minors and others.* No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. *Transfers of firearms regulated.* No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he is not forbidden by section 22-3203 to possess a pistol. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22-3210. *Licenses of dealers of weapons—Records—By whom granted—Conditions thereof.* The commissioners of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in section 22-3209, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this chapter.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22-3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

22-3211. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within

the District of Columbia, give false information or offer false evidence of his identity.

22-3212. *Alteration of identifying marks of weapons prohibited.* No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, That nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

22-3213. *Exceptions.* This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. *Possession of certain dangerous weapons prohibited—Exceptions.* (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, That machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under section 22-3210.

DISTRICT OF COLUMBIA FIREARMS CONTROL REGULATIONS. (ADOPTED: JULY 16, 1968; EFFECTIVE DATE: NOVEMBER 16, 1968.)

50. *General provisions.* 1. When used in these Regulations, unless the context requires otherwise, the terms "pistol," "sawed-off shotgun," "machine gun," "person," and "sell" and "purchase" shall have the meanings ascribed to them in the Act of Congress entitled "An act to control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia," as amended, approved July 8, 1932 (47 Stat. 650, D.C. Code, sec. 22-3201 et seq.). Other terms used in these Regulations, unless the context otherwise requires, shall have the meanings ascribed to them as follows:

(a) "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(b) "Chief of Police" and "Chief" mean the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(c) "District" means the District of Columbia.

(d) "Firearm" means any pistol, rifle or shotgun which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; or the frame or receiver of any such pistol, rifle, or shotgun; but does not include a firearm that is not designed or redesigned to use rim fire or center fire fixed ammunition or manufactured in or before 1898.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifle bore for each single pull of the trigger.

(f) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and a weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

(g) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(h) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, machine gun, short-barrel rifle or sawed-off shotgun.

(i) The term "destructive device" means any firearm, weapon or automatic weapon which is not a pistol, rifle, shotgun, sawed-off shotgun or machine gun defined herein and includes any explosive not commonly used for lawful commercial purposes, explosive bomb, poison gas bomb, tear gas or tear gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter; excluding however,

(1) a pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter;

(2) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition; or

(3) any device used exclusively for signaling or safety, and required or recommended by the United States Coast Guard or the Interstate Commerce Commission.

(j) "Dealer" means (i) any person engaged in the business of selling firearms or ammunition, (ii) any person engaged in the business of manufacturing or repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms, or (iii) any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money. The term "licensed dealer" means any dealer licensed under the provisions of these Regulations.

(k) "Manufacturing" means manufacturing, making or remaking firearms or ammunition for direct sale or distribution.

(l) "Act" means the Act of Congress, entitled "An Act to control the possession, sale, transfer and use of pistols and other dangerous weapons, in the District of Columbia, as amended, approved July 8, 1932 (47 Stat. 650, D.C. Code, sec. 22-3201 et seq.).

(m) The term "these Regulations" means the regulations and provisions contained in Articles 50 through 56 of the Police Regulations of the District of Columbia as adopted by the District of Columbia Council and any orders issued by the Commissioner pursuant to authority transferred to him by the Council in such Articles.

(n) "Carry" means to carry, transport or possess on or about one's person, or in such close proximity to one's person as to be easily and readily accessible.

2. (a) It shall be unlawful for any person purchasing any pistol, rifle, shotgun or ammunition, or applying for any certificate of registration or license under these Regula-

tions, or in giving any information pursuant to the requirements of these Regulations, to give false information or offer false evidence of his identity.

(b) It shall be unlawful for anyone to forge or alter any application, registration certificate, temporary evidence of registration, or license submitted, retained or issued under these Regulations.

(c) It shall be unlawful for any person within the District to change, alter, remove, or obliterate the name of the maker, model, manufacturer's identification number, serial number, or other mark of identification on any pistol, rifle or shotgun: Provided, that nothing contained in this section shall apply to any officer or agent of any department or agency of the United States or the District Government who is engaged in research or experimental work.

(d) It shall be unlawful for any person within the District to own, possess, sell, offer for sale, purchase or offer to purchase any destructive device, or military type weapon including weapons known as hand grenades, cannons, anti-tank guns and bazookas; Provided, that this section shall not apply to any agency or department of the District of Columbia or Federal Government or to any person licensed or authorized by the Federal Government to own, possess, sell or purchase such weapons.

6. (a) No person shall within the District sell any pistol within 48 hours immediately following submission of an application to sell, except as provided for in section 8 of the Act (D.C. Code, sec. 22-3208).

(b) No person shall within the District sell or otherwise transfer any ammunition to a purchaser unless the purchaser exhibits to the seller at the time of the sale a valid registration certificate issued under Article 51 of these Regulations; and unless the ammunition sold is the same caliber or gauge as the firearm described in the registration certificate exhibited by the purchaser.

(c) No person shall within the District purchase or possess any ammunition unless he is the holder of a valid registration certificate issued under Art. 51, sec. 4 of these Regulations; and unless the ammunition possessed is the same calibre or gauge as the firearm described in a valid registration certificate issued to such person.

(d) For the purposes of subsections (b) and (c) above, a valid registration certificate issued by the United States or by any state or subdivision thereof shall be sufficient to authorize ammunition sales to and purchases by persons to whom such registration certificates have been issued if such persons are not residents of the District. Aliens may purchase ammunition in the manner and subject to the same restrictions as provided in Art. 54, sec. 6(b) of these Regulations for the purchase of firearms by aliens.

9. (a) No person shall within the District keep any firearm or ammunition for, or intentionally make any firearm or ammunition available to any person who would not qualify under these Regulations for a license for such firearm.

(b) No person shall hold a firearm or loan any money on a firearm as security for the payment or repayment of any debt or pledge, except as otherwise provided for in Art. 55, sec. 8 of these Regulations.

10. No person shall within the District sell or otherwise transfer a firearm or ammunition to a purchaser who is under the influence of alcohol or a narcotic or dangerous drug. No person shall within the District carry or use any firearm while under the influence of alcohol or a narcotic or dangerous drug.

51. *Requiring the registration of pistols, rifles and shotguns in the District.* 1. Except as herein provided, no person shall within the District, possess, or keep under his con-

trol, or sell or otherwise dispose of any pistol, or rifle or shotgun unless such person is the holder of a valid registration certificate for such pistol, rifle or shotgun.

2. (a) Each licensed dealer who sells a pistol, rifle or shotgun to a person in whose possession the pistol, rifle or shotgun must be registered shall require from the purchaser a completed application for the registration of the pistol, rifle or shotgun and shall file the application with the Chief of Police at the time of sale.

(b) Each person who within the District possesses, or keeps under his control any pistol, rifle or shotgun purchased or acquired prior to the effective date of these Regulations, shall register such pistol, rifle or shotgun within ninety days immediately following the effective date of these Regulations.

(c) Each person who brings into the District any pistol, rifle or shotgun acquired outside of the District, or who causes a rifle or shotgun to be lawfully delivered to him within the District, shall register such pistol, rifle or shotgun within forty-eight hours after he brings such pistol, rifle or shotgun into the District or within forty-eight hours after such rifle or shotgun is delivered to him in the District.

(d) Each person within the District who otherwise acquires possession or control of any pistol, rifle or shotgun shall register such pistol, rifle or shotgun within forty-eight hours after he acquires possession or control of the same; except as provided for in Art. 50, sec. 8(a) of these Regulations.

3. Each person who is required by these Regulations to register a pistol, rifle or shotgun shall submit an application to register the same which shall contain—

(a) The name, residence and business address within the District, the occupation, and date of birth of the applicant;

(b) The make, model, caliber or gauge, manufacturer's identification number, serial number, and other identifying marks of the pistol, rifle or shotgun.

(c) The name and address of the person from whom the firearm was acquired, and the date and place of acquisition.

4. Each application to register a pistol, rifle or shotgun shall be made in duplicate on forms provided by the Chief of Police and be signed by the applicant. The original shall be filed with the Chief of Police, and the duplicate shall be retained by the applicant as temporary evidence of registration. The Chief of Police, after receipt of a duly filed application, shall send to the applicant a numbered registration certificate identifying the applicant as the registered owner of the pistol, rifle or shotgun described in the application.

10. (a) Nothing in these Regulations shall require any agency or department of the District Government or the Federal Government to obtain any registration certificates for any pistol, rifle or shotgun.

52. *Regulating the sale and transfer of pistols in the District.* 1. Any person who is not subject to any of the disabilities enumerated in sec. 7 of the Act (D.C. Code, sec. 22-3207) shall be lawfully entitled to purchase a pistol within the District, and a seller shall be lawfully entitled to sell to such a person; Provided, that such person follows the procedures prescribed in these Regulations.

2. (a) No person within the District shall sell or transfer a pistol to a purchaser who is not a retail dealer licensed under Art. 55 of these Regulations; and no person within the District who is not a retail licensed dealer shall purchase or receive a pistol from any seller unless—

(1) the seller has forwarded to the Chief of Police the purchaser's application to purchase a pistol as required by Sec. 8 of the Act (D.C. Code, Sec. 22-3208);

(2) the seller has received from the Chief of Police a written report stating that after investigation (i) no reason appears why the proposed sale should not be made as described in the application; or (ii) the applicant is not or may not be a suitable person to purchase or possess a pistol;

(3) where the Chief's report is issued under Sec. 3(c) of this Article, the purchaser shall exhibit to the seller a copy of the investigation report made by the Chief of Police pursuant to Sec. 3(a) of this Article;

(4) the seller forwards to the Chief of Police at the time of the sale the purchaser's application to register the pistol being sold pursuant to Art. 51, Sec. 2(a) of these Regulations; or within forty-eight hours following the sale, a written notification of sale pursuant to Art. 51, Sec. 8(b); and

(5) forty-eight hours have elapsed since the purchaser has submitted his application to purchase a pistol to the seller; Except as provided for in section 8 of the Act (D.C. Code, Sec. 22-3208).

(b) No person within the District shall import or cause to be delivered to him within the District any pistol except as provided for in Title IV of the "Omnibus Crime Control and Safe Streets Act of 1968" (Pub. L. 90-351).

3. (a) Upon receipt of an application to purchase a pistol, the Chief of Police shall investigate and determine whether the applicant—

(1) is under the age of twenty-one years; (2) is not of sound mind; Provided, that the Chief of Police shall determine that the applicant is not of sound mind to possess a pistol, if he determines that such person has been adjudicated mentally incompetent, or has been acquitted of any criminal charge by reason of insanity by any court; or has been adjudicated a chronic alcoholic by any court; or has had a mental illness or disease which substantially impairs or has impaired the applicant's mental health or caused the applicant to spend any time under treatment in a mental hospital or ward; and Provided, that three years after such adjudication, acquittal, illness, or treatment, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a pistol in a safe and responsible manner.

(3) is a drug addict; Provided, that the Chief of Police shall determine that the person is a drug addict if he determines that such person (i) is a user of narcotic drugs as defined by Section 4731 of the Internal Revenue Code of 1954, as amended (Aug. 16, 1954, 68A Stat. 557, ch. 736; Apr. 22, 1960, 74 Stat. 57, Pub. L. 86-429, Sec. 4 (a), (b); 26 U.S.C., Sec. 4731); or (ii) is a user of dangerous drugs as defined by or under the Act entitled the "Dangerous Drug Act for the District of Columbia," approved July 24, 1956 (70 Stat. 612, ch. 676, title II, Sec. 202; D.C. Code, Sec. 33-701);

(4) has been convicted in any jurisdiction of a crime punishable by imprisonment for more than one year, or is under indictment or fleeing prosecution for such a crime;

(5) he has been convicted in any jurisdiction of any of the following offenses punishable by imprisonment for less than one year: any offense involving a physical assault; any offense committed while carrying a firearm or weapon; using, possessing or selling any narcotic or dangerous drugs; or any violation of a law restricting the sale, receipt, possession, use or transportation of a firearm or destructive device; Provided, that three years after such conviction the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and

using a pistol in a safe and responsible manner;

(6) suffers from a physical defect which would make it unsafe for him to use a pistol;

(7) is a person to whom the sale of any pistol would not be in the interest of the public health, safety, or welfare;

(8) has been involved in a firearms mishap causing death or injury to another human being; or

(9) is otherwise ineligible to purchase or possess a pistol under Section 3 of the Act (D.C. Code, Sec. 22-3203).

(b) If the Chief of Police determines, after investigation, that the applicant does not answer to any of the descriptions enumerated in subparagraphs (a) (1) through (a) (9) of this section, the Chief shall forward to both the seller and the applicant a written report stating that no reason appears why the proposed sale should not be made as described in the application. The seller may rely upon such a report as showing that there is no reason to believe that the application is disqualified to purchase a pistol by the provisions of section 7 of the Act (D.C. Code 22-3207), unless the person making the sale has actual personal knowledge at the time of sale that such a disqualification exists.

(c) If the Chief discovers, after investigation, that the applicant does answer to one or more of the descriptions enumerated in subparagraphs (a) (1) through (a) (9) of this section, the Chief shall forward to both the seller and the applicant a written report concluding that the applicant is not or may not be a suitable person to purchase or possess a pistol. In addition, the report to the applicant shall set forth the findings upon which such conclusion is based. It shall thereupon become the responsibility of the seller, before consummating any sale to the applicant, to inquire further into the applicant's qualifications under the Act.

4. (a) Each application to purchase a pistol shall be in the form and number prescribed by the Chief of Police; and shall be signed by the applicant and the seller; and shall contain, in addition to the information required by Section 8 of the Act (D.C. Code, Sec. 22-3208), the following information without duplicating—

(1) the full name, and any other name by which the applicant is or has been known;

(2) the home address, and any other address at which the applicant has resided within five years immediately prior to the application;

(3) the present business or occupation, and any business or occupation in which the applicant has engaged for five years immediately prior to the application, and the addresses of such businesses or places of employment;

(4) the date and place of birth of the applicant;

(5) the sex of the applicant;

(6) a statement by the applicant that he is not ineligible to purchase or possess a pistol under Section 7 of the Act (D.C. Code, Sec. 22-3207) and indicating whether he has previously been denied any pistol, or rifle or shotgun license, registration certificate or permit by the Federal Government or any state government or subdivision thereof including the District Government; and whether he has been involved in any mishap involving a pistol, or rifle or shotgun, including the date, place, and circumstances and the names of any persons injured or killed;

(7) a statement by the applicant of his need to purchase or possess a pistol and his intended use of the same;

(8) the caliber, make, model, manufacturer's identification number, serial number, and any other identifying marks on the pistol; and

(9) the name and address of the seller, and his retail license number if he is a licensed dealer under Art. 55 of these Regulations.

(b) Application blanks for applications to purchase a pistol required by these Regulations shall be supplied by the Chief of Police and shall be obtained from him or from any licensed dealer.

(c) Each person making an application to purchase a pistol shall submit with his application a full face, black and white photograph of himself in duplicate, 1 1/4 by 1 1/4 inches in size, which shall have been taken within thirty days of the filing of the application; and shall be fingerprinted by the Chief of Police. The Chief of Police shall have the applicant's fingerprints compared with all records of fingerprints in his custody and with records of fingerprints of the Federal Bureau of Investigation, or of any state government or subdivision thereof as the Chief deems necessary for a thorough investigation. Provided, that any person who has been fingerprinted by the Chief of Police within five years of submitting an application under this Article need not be fingerprinted again if he offers other satisfactory proof of his identity.

5. This Article of these Regulations shall not apply to the sale of a pistol to any officer, agent or employee of the District of Columbia or the Federal Government; or any officer, agent or employee of any state or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard, or the Organized Reserves, when such officer, agent, employee or member is authorized to purchase a pistol, and is purchasing a pistol in the performance of his official authorized functions.

54. *Regulating the sale, transfer, possession and carrying of rifles and shotguns in the District.* 1. Any person who is not subject to any of the disabilities of this section or other sections of these Regulations shall be lawfully entitled to purchase and carry a rifle or shotgun within the District, and a seller shall be lawfully entitled to sell a rifle or shotgun to such a person; Provided, that such person follows the procedures prescribed in these Regulations.

2. (a) No person shall within the District own, possess or keep under his control, or carry either openly or concealed on or about his person any rifle or shotgun unless he is the holder of a valid rifle and shotgun license issued according to Section 3 of this Article.

(b) No person shall within the District sell or transfer any rifle or shotgun to a purchaser who is not a retail dealer licensed under Art. 55 of these Regulations; and no person who is not a licensed retail dealer shall purchase or otherwise acquire any rifle or shotgun from any seller unless—

(1) the purchaser exhibits to the seller a valid rifle and shotgun license issued according to Section 3 of this Article; and

(2) the seller forwards to the Chief of Police at the time of the sale the purchaser's application to register the rifle or shotgun being sold pursuant to Art. 51, Sec. 2(a) of these Regulations; or within forty-eight hours following the sale, a written notification of sale pursuant to Art. 51, Sec. 8(b).

(c) No person within the District shall import or cause to be delivered to him within the District any rifle or shotgun unless he shall within forty-eight hours following delivery to him, submit an application to register the rifle or shotgun pursuant to Art. 51, Sec. 2(c) of these Regulations.

3. (a) Upon receipt of an application for a rifle or shotgun license, the Chief of Police shall investigate and determine whether the applicant—

(1) is under the age of twenty-one years;

(2) is not of sound mind; Provided, that the Chief of Police shall determine that the

person is not of sound mind to purchase, possess and carry a rifle or shotgun if he determines that such person has been adjudicated mentally incompetent, or has been acquitted of any criminal charge by reason of insanity by any court; or has been adjudicated a chronic alcoholic by any court; or has had a mental illness or disease which substantially impairs or has impaired the applicant's mental health or caused the applicant to spend any time under treatment in a mental hospital or ward; and Provided, that three years after such conviction, adjudication, acquittal, illness, or treatment, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a pistol in a safe and responsible manner;

(3) is a drug addict; Provided, that the Chief of Police shall determine that the person is a drug addict if he determines that such person (i) is a user of narcotic drugs as defined by section 4731 of the Internal Revenue Code of 1954, as amended (Aug. 16, 1954, 68A Stat. 557, ch. 736; Apr. 22, 1960, 74 Stat. 57, Pub. L. 86-429, sec. 4 (a), (b); 26 U.S.C., sec. 4731); or (ii) is a user of dangerous drugs as defined by or under the Act entitled the "Dangerous Drug Act for the District of Columbia," approved July 24, 1956 (70 Stat. 612, ch. 676, title II, sec. 202; D.C. Code, sec. 33-701);

(4) has been convicted in any jurisdiction of a crime punishable by imprisonment for more than one year, or is under indictment or feeling prosecution for such a crime; or

(5) he has been convicted in any jurisdiction of any of the following offenses punishable by imprisonment for less than one year: any offense involving a physical assault; any offense committed while carrying a firearm or weapon; using, possessing or selling any narcotic or dangerous drug; or any violation of a law restricting the sale, receipt, possession, use or transportation of a firearm or destructive device; Provided, that three years after such conviction, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a rifle or shotgun in a safe and responsible manner;

(6) suffers from a physical defect which would make it unsafe for him to use a rifle or shotgun; or

(7) is a person to whom the issuance of any such license would not be in the interest of the public health, safety, or welfare;

(8) has been involved in a firearms mishap causing death or injury to another human being; or

(9) is otherwise ineligible to purchase or possess a pistol under section 3 of the Act (D.C. Code, sec. 22-3203).

4. (a) Each application for a rifle and shotgun license shall be in the form and number prescribed by the Chief of Police; and shall be signed by the applicant; and shall contain—

(1) the full name, and any other name by which the applicant is or has been known;

(2) the home address, and any other address at which the applicant has resided within five years immediately prior to the application;

(3) the present business or occupation, and any business or occupation in which the applicant has engaged for five years immediately prior to the application, and the addresses of such businesses or places of employment;

(4) the date and place of birth of the applicant;

(5) the sex of the applicant;

(6) a statement by the applicant that he is not ineligible to purchase, possess or carry

a rifle or shotgun under section 3 of this Article and indicating whether he has previously been denied any pistol or rifle or shotgun license, registration certificate or permit by the Federal Government or any state government or subdivision thereof including the District Government; and whether he has been involved in any mishap involving a pistol, or rifle or shotgun, including the date, place and circumstances and the names of any persons injured or killed; and

(7) a statement by the applicant of his need to possess or carry a rifle or shotgun and his intended use of the same.

(b) Application blanks for applications for rifle and shotgun licenses required by these Regulations shall be supplied by the Chief of Police and shall be obtainable from him or from any licensed dealer.

(c) Each person making an application for a rifle and shotgun license shall submit with his application a full face, black and white photograph of himself in duplicate, 1½ by 1½ inches in size, which shall have been taken within thirty days of the filing of the application; and shall be fingerprinted by the Chief of Police. The Chief of Police shall have the applicant's fingerprints compared with all records of fingerprints in his custody and with records of fingerprints of the Federal Bureau of Investigation, or of any state government or subdivision thereof as the Chief deems necessary for a thorough investigation; Provided, that any person who has been fingerprinted within five years of submitting an application under this Article need not be fingerprinted again if he offers other satisfactory proof of his identity.

5. Any rifle and shotgun license issued under this Article * * *

(3) shall expire five years after issuance unless sooner revoked.

6. (a) Section 2(a) of this Article shall not apply to—

(1) any person directly transporting any rifle or shotgun to any police precinct house to surrender the same to the Chief of Police;

(2) any nonresident of the District actively participating in any lawful recreational activity in the District involving the use of a rifle or shotgun, or transporting a rifle or shotgun directly to or directly from such lawful recreational activity; Provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a rifle or shotgun is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a rifle or shotgun;

(3) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a rifle or shotgun, and who is carrying a rifle or shotgun while on duty in the performance of his official authorized functions.

(b) Notwithstanding any provision of this Article, it shall be lawful in the District for a seller to sell a rifle or shotgun to a non-resident alien who does not have a rifle or shotgun license; Provided, that such alien purchaser possesses and exhibits to the seller satisfactory identification and a statement, signed by the purchaser and the Ambassador of the country of which the purchaser is a citizen, stating—

(1) that the name purchaser is a citizen of the country represented by the undersigned Ambassador;

(2) that the undersigned Ambassador approves of the sale of a rifle or shotgun to the named purchaser; and

(3) that the named purchaser is leaving the United States within five days of the date of the statement and will take the rifle or shotgun with him.

(c) Notwithstanding any provision of this Article, it shall be lawful in the District for a seller to sell a rifle or shotgun to a non-resident of the District who is a citizen of the United States and who does not have a license issued under this Article; Provided, that such nonresident purchaser possesses and exhibits to the seller a valid license or permit for the purchase, possession or use of a rifle or shotgun issued to him by the United States government or by any state or subdivision thereof.

(d) Any rifle or shotgun being carried shall, except when lawful use is imminent, be unloaded and securely wrapped or encased in a closed container.

55. *Regulating and licensing dealers in dangerous weapons.*

4. (a) Any dealer within the District who transports or delivers firearms to another dealer in the District shall, before delivery of the firearm, furnish to the Chief of Police an invoice listing his name, his home and business addresses, his license number, the name and address of the dealer to whom such firearms are to be delivered, the place of origin of the shipment, the quantity of firearms transported, and the serial number of each firearm in the shipment.

(b) If shipment is by common carrier, a copy of the invoice shall be delivered to the common carrier. No common carrier shall knowingly deliver a shipment of firearms to a dealer within the District without having received a copy of such invoice. The copy of the invoice shall be left with the dealer at the time of delivery.

(c) If shipment is by other than common carrier, the copy of the invoice shall be furnished to the dealer at the time of delivery.

5. (a) No person licensed under this Article shall sell a pistol, rifle, shotgun, or ammunition to any person whom he knows or has reasonable cause to believe is ineligible to own a pistol, rifle or shotgun under Articles 52 and 54 of these Regulations.

7. Beginning one year after the effective date of these Regulations, no retail dealer licensed under this Article shall sell or offer for sale in the District any pistol, rifle or shotgun, which does not have imbedded into the metal portion of such pistol, rifle or shotgun a unique manufacturer's identification number of serial number unless the retail dealer shall have imbedded into the metal portion of such pistol, rifle or shotgun a unique dealer's identification number.

56. *Miscellaneous provisions.* 1. These Regulations shall not apply to any toy or antique firearm unsuitable for use as a firearm, except that no person shall within the District possess any such toy or antique firearm with intent to use the same unlawfully.

PUERTO RICO

L.P.R.A. TITLE 25

413. *Sale or transportation of machine guns.* Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. *Possession of machine gun or sawed-off shotgun.* Any person who possesses or uses a machine gun, or a sawed-off shotgun, shall be guilty of a felony. This section shall not be applicable to the possession or use of machine guns in the discharge of their official duties by members of the police, by wardens, superintendents, or any of their deputies of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases or any other public peace officers; nor shall it apply to the possession or use of machine guns by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

416. *Possession of pistol or firearm without license.* Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor and, if previously convicted of any violation of this chapter, or of any of the offenses specified in section 427 of this title, or uses the weapon in the commission of any of such offenses, shall be guilty of a felony.

420. *Possession or sale of silencer.* Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard, nor to the members of the armed forces of the United States.

421. *Serial number or name of owner on firearm—Removal or defacement.* Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who;

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who;

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

425. *License to possess firearms; weapons for farmers.* The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue licenses to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

427. *Grounds for refusing to issue license.* The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247-1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

430. *Persons who may lawfully carry weapons.* (a) The following may lawfully have, possess, bear, transport and carry weapons:

1. Members of the Armed Forces of the United States and of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The members of the Police of Puerto Rico under the provisions of the regulations of the said organization.

3. The Superintendent of Prisons, heads of Commonwealth penitentiaries and jail wardens, under the regulations provided by the Secretary of Justice.

4. Penal guards and convict guards, under the regulations provided by the Secretary of Justice.

5. United States customs and immigration officials, while in the discharge of their duties.

(b) A revolver or pistol may be lawfully owned, possessed, borne, transported, and carried by:

1. The judges and prosecuting attorneys of the courts of justice.

2. Any officer of the Government of Puerto Rico when a permit to carry firearms should, in the opinion of the Chief of Police of Puerto Rico, be issued to the said officer by reason of the duties of his position and the said permit is issued to him by the Chief of Police of Puerto Rico.

3. Mail carriers in the performance of their duties.

4. The marshals and deputy marshals of any tribunal or court.

5. Carriers of public funds while such funds are in their custody.

6. Carriers of private funds and custodians of private funds in banking institutions while such funds are in their custody, upon issuance to them of a permit by the

Superior Court of Puerto Rico, before which such carriers or custodians, or their employers, shall have justified their need for such permit.

7. Internal-revenue collectors and agents while in the performance of their duties and provided they have been so authorized by the Chief of Police of Puerto Rico at the request of the Secretary of the Treasury of Puerto Rico to carry a revolver or a pistol.

436. *Conditions for dealers' operations; records of transactions.* Any person, partnership or corporation, to whom or to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

437. *Acquisition of weapons by persons authorized in section 430.* The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

438. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales slip, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales slip has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase, and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have and possess a firearm.

445. *Hunting and target shooting arms excepted.* The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

446. *Collections of antique weapons; certificates of uselessness.* No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

454. *Definitions.* For the purposes of this chapter, the phrases and terms hereinafter

listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in firearms or Ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico.

541. *Concealed weapons and instruments.* It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by

combustion, and provided with a percussion-sensitive detonator.

542. *Exceptions.* Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

VIRGIN ISLANDS

V.I. CODE ANN. TITLE 23

451. *Definitions.* As used in this chapter, unless the context clearly requires otherwise

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who engages in the business of repairing, altering, clearing, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

452. *Applicability of chapter.* No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

453. *Persons who may lawfully carry firearms.* (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

1. Members of the Armed Forces of the United States or of the organized reserves;

2. Officers and employees of the United States duly authorized by Federal law to carry firearms;

3. Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

4. Members of the Police Force of the Virgin Islands, marshals, or other duly authorized peace officers;

5. Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

454. *Persons who may be licensed to carry firearms.* A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons,

provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this Chapter:

1. An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

2. An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; and provided, that the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

3. A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

4. A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

5. With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

455. *Application for license; form, oath; fees.* (a) Every application for a license to have and possess a firearm shall be made under oath and on forms which the Commissioner shall prepare for such purpose. For the purposes of the enforcement of the provisions of this chapter, the applicant shall furnish all information as may be required of him by the Commissioner.

457. *Contents of license.* A license issued pursuant to the provisions of section 454 of this chapter shall provide for the following:

1. That the same is not transferable and shall be carried by the licensee at all times when in possession of the firearm for which it was issued;

2. The term thereof, which shall not exceed one year;

3. Places where, times when, and circumstances under which the firearm may be carried;

4. Description of the firearm authorized to be carried, showing the serial number, if any;

5. Grounds for issuance;

6. Grounds for revocation;

7. A dealer's coupon which shall be removed and retained by any person who sells or otherwise provides the licensee with any firearm contemplated in such license.

458. *Grounds for refusing to issue license.* The Commissioner shall not issue a license to have and possess a firearm to any person convicted in or outside the Virgin Islands of any crime of violence; or of any violation of a narcotic or "harmful drug" law; nor to any person who is mentally incompetent, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions of this chapter; nor to any person who for justifiable reasons is deemed to be an improper person by the Commissioner.

460. *Reciprocal recognition of out-of-state licenses.* Unless otherwise prohibited by any state or federal law, a license to possess or to carry firearms, issued by any competent authority of any state or territory of the United States and in accordance with the same or similar requirements as set forth in the preceding sections pertaining to the applicant's eligibility, and the establishment of his repu-

ation through fingerprints, shall be recognized as valid within the Virgin Islands and shall allow the holder thereof to exercise all of the privileges in connection therewith, while said licensee is a visitor or transient resident herein.

461. *License to sell firearms and/or ammunition gunsmiths; report of transactions; private transfer sales to minors or aliens.*

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

465. *Conditions for dealers' operations; records of transactions.* Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

468. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance

with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

476. *Collections of antique firearms; certificates of uselessness.* No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not

included in said certificate shall be subject to all the provisions hereof.

480. *False information forbidden in sale of weapons.* No person shall, in purchasing a firearm or in applying for any license or in making any report hereunder give or offer false or misleading information or offer false evidence of his identity.

481. *Alteration of identifying marks of weapons prohibited.* No person shall within the Virgin Islands change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same within the Virgin Islands: Provided, however, That nothing contained in this section shall apply to any officer or agent of the United States or the Government of the Virgin Islands engaged in experimental work.

485. *Regulations.* The Commissioner may issue, modify and amend, from time to time, such rules and regulations, not inconsistent with this chapter or the provisions of other law, which he may deem necessary or appropriate to carry out the purposes of this chapter, which rules and regulations, upon approval by the Governor, shall have the force and effect of law.

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